

Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

The Commission requests comments on a petition filed by McMullen Valley Broadcasting Company proposing the allotment of Channel 297C3 at Quartzside, Arizona, as the community's second local FM transmission service. Channel 297C3 can be allotted to Quartzside in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.7 kilometers (8.5 miles) east of Quartzside. The coordinates for Channel 297C3 at Quartzside are 33-39-06 North Latitude and 114-04-56 West Longitude. Since Quartzside is located within 320 kilometers (199) miles of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Commission requests comments on a petition filed by Stargazer Broadcasting of Western Louisiana proposing the allotment of Channel 252A at Leesville, Louisiana, as the community's fourth local aural transmission service. Channel 252A can be allotted to Leesville in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.7 kilometers (1 mile) west of Leesville. The coordinates for Channel 252A at Leesville are 31-08-30 North Latitude and 93-16-41 West Longitude.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR § 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR §§ 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Channel 247C3 at Parker, and Quartzside, Channel 297C3.

3. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Channel 252A at Leesville.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01-8241 Filed 4-3-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-739; MM Docket No. 01-78; RM-10080]

Radio Broadcasting Services; Grants and Bosque Farms, NM

AGENCY: Federal Communications Commission (FCC).

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by Educational Media Foundation, permittee of Station KQLV, Channel 288C, Grants, NM, seeking the substitution of Channel 288C2 for Channel 288C, reallocation of the channel from Grants to Bosque Farms, NM, as the community's second local and first competitive FM service, and the modification of Station KQLV's permit accordingly. In addition, Educational Media Foundation requests the allotment of Channel 244C3 to Grants. Channel 288C2 can be allotted to Bosque Farms in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.3 kilometers (7.6 miles) southwest, at coordinates 34-47-55 NL; 106-48-59 WL, to accommodate petitioner's desired transmitter site. Channel 244C3 can be allotted to Grants without the imposition of a site restriction, at coordinates 35-09-08 NL; 107-50-33 WL. The Commission also proposes to editorially amend the FM Table of Allotments by substituting Channel 284C1 for Channel 284C at Bosque Farms to reflect the license of Station KTEG.

DATES: Comments must be filed on or before May 14, 2001, and reply comments on or before May 29, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: David D. Oxenford, Veronica D. McLaughlin, Shaw Pittman, 2300 N Street, NW., Washington, DC 20037-1128 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-78; adopted May 14, 2001 and released May 29, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 288C and adding Channel 244C3 at Grants, and removing Channel 284C and adding Channels 288C2 and 284C1 at Bosque Farms.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 010118020-1082-02; I.D. 010801A]

RIN 0648-AO86

Endangered and Threatened Species: Final Listing Determination for Klamath Mountains Province Steelhead

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of determination of status review.

SUMMARY: In keeping with a recent Federal Court ruling, NMFS has reconsidered the status of Klamath Mountains Province (KMP) steelhead Evolutionarily Significant Unit (ESU) under the Endangered Species Act of 1973 (ESA), as amended. After reviewing the best available scientific and commercial information, NMFS has determined that KMP steelhead do not warrant listing as threatened or endangered at this time.

DATES: The finding for this document was made on March 28, 2001.

ADDRESSES: Protected Resources Division, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232. Reference materials regarding this determination can be obtained via the Internet at www.nwr.noaa.gov.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, 503-231-2005, Craig Wingert, 562-980-4021, or Chris Mobley, 301-713-1401.

SUPPLEMENTARY INFORMATION:

Previous Federal ESA Actions Related to West Coast Steelhead

The history of petitions and agency findings regarding the KMP steelhead ESU are detailed in the February 12, 2001, listing proposal (66 FR 9808). Briefly, NMFS first proposed this ESU as a threatened species under the ESA in 1995 (60 FR 14253, March 16, 1995), identified areas of substantial scientific disagreement for this and other ESUs in

1997 (62 FR 43974, August 18, 1997), and finally determined that listing was not warranted for KMP steelhead in 1998 (63 FR 13347, March 19, 1998). The no-list decision was based on evidence indicating the ESU was at a lower risk of extinction than at the time it was proposed for listing. Even though it found that the risks had been reduced to a point at which listing was not warranted, NMFS expressed concerns about the status of KMP steelhead, and identified the ESU as a candidate species, which the agency would continue to monitor and re-assess by 2002.

On October 25, 2000, the U.S. District Court for the Northern District of California (Court) ruled that NMFS' March 19, 1998, determination regarding the KMP steelhead ESU was arbitrary and capricious (*Federation of Fly Fishers v. Daley*, Civ. No. C-99-0981-SI). The Court set aside NMFS' "not warranted" determination and remanded the case to NMFS for further consideration and decision consistent with its Order by March 31, 2001. In vacating the agency's decision, the Court held that the ESA does not allow NMFS to consider the expected effects of future conservation actions or to rely exclusively on voluntary conservation efforts. In response to the Court's mandate, NMFS re-proposed listing the KMP steelhead as a threatened species under the ESA on February 12, 2001 (66 FR 9808). NMFS noted that the Court-ordered deadline of March 31, 2001, for a final listing decision did not provide sufficient time to conduct a thorough assessment of new information (i.e., data since 1998) prior to re-proposing this ESU for listing. Therefore, the re-proposal relied primarily upon information contained in the NMFS steelhead administrative record as it existed on March 19, 1998. Comments on the proposed listing yielded substantial new information regarding the status of this ESU. This new information was evaluated by NMFS' steelhead Biological Review Team (BRT) which resulted in an updated status review document for the KMP steelhead ESU (NMFS, 2001).

Life History of KMP Steelhead

Biological information for West Coast steelhead, and the KMP steelhead ESU in particular, can be found in agency assessments conducted by NMFS (NMFS, 1993, 1994, 1996a, 1997a, 1998a) and in previous **Federal Register** documents (60 FR 14253, March 16, 1995; 61 FR 41541, August 9, 1996). Steelhead exhibit one of the most complex suites of life history traits of any salmonid species. Individuals may

exhibit anadromy (meaning they migrate as juveniles from fresh water to the ocean, and then return to spawn in fresh water) or freshwater residency (meaning they reside their entire life in fresh water). Resident forms are usually referred to as "rainbow" or "redband" trout, while anadromous life forms are termed "steelhead." The KMP steelhead ESU includes both life forms. However, only the anadromous forms are under the jurisdiction of NMFS; the U.S. Fish and Wildlife Service (USFWS) maintains ESA authority over resident life forms.

Within the KMP steelhead ESU, the species inhabits coastal river basins between the Elk River in Oregon and the Klamath River in California, inclusive. Steelhead can be divided into two reproductive ecotypes, based on their state of sexual maturity at the time of river entry and the duration of their spawning migration. These two ecotypes are termed "stream maturing" and "ocean maturing." Stream maturing steelhead enter fresh water in a sexually immature condition and require several months to mature and spawn. Ocean maturing steelhead enter fresh water with well developed gonads and spawn shortly after river entry. These two reproductive ecotypes are more commonly referred to by their season of freshwater entry (i.e., summer (stream maturing) and winter (ocean maturing) steelhead). The KMP steelhead ESU contains populations of both winter and summer steelhead. In addition, the Rogue and Klamath River Basins are distinctive in that they are two of the few basins producing "half-pounder" steelhead. This life history type refers to immature steelhead that return to fresh water after only 2-4 months in the ocean, generally overwinter in fresh water, then outmigrate again the following spring (Snyder, 1925; Kesner and Barnhart, 1972; Everest, 1973; Barnhart, 1986).

Summary of Comments Received in Response to the Proposed Rule

Following NMFS' proposal to list KMP and other steelhead ESUs in 1995 and 1996 (60 FR 14253, March 16, 1995; 61 FR 41541, August 9, 1996), a total of 16 public hearings were held in California, Oregon, Idaho, and Washington to solicit comments on the proposed rule. During the 90-day public comment period, NMFS received nearly 1,000 written comments on the listing proposals from Federal, state, and local government agencies, Indian tribes, non-governmental organizations, the scientific community, and other individuals. A number of comments addressed specific technical issues