

47 CFR Part 73

[MM Docket No. 94-100; RM-8509, 8549, 8550]

**Radio Broadcasting Services;
Okmulgee, Nowata, Pawhuska,
Bartlesville, Bixby, OK**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Integrated Broadcasting Company, Inc., substitutes Channel 231C1 for Channel 231C2 at Okmulgee, OK, modifies the license of Station KTHK(FM) to specify operation on the higher class channel, substitutes Channel 285A for Channel 232A at Nowata, OK, modifies the license of Station KRIG to specify the alternate Class A channel and substitutes Channel 280A for unoccupied but applied-for Channel 285A at Pawhuska, OK. See 59 FR 48281, September 20, 1994, 60 FR 37622, July 21, 1995. The Commission, at the request of Singer Broadcasting Group, Inc./KJMM, Inc., also substitutes Channel 287C2 for Channel 287C3 at Bixby, OK, and modifies the license of Station KJMM to specify operation on the higher powered channel. The request of KRIG, Inc. to substitute Channel 286C3 for Channel 232A at Nowata and modify the license of Station KRIG accordingly is denied. Channel 231C1 can be allotted to Okmulgee at Station KTHK(FM)'s licensed site, at coordinates 35-50-02 NL; 96-07-28 WL. Channel 285A can be allotted to Nowata at Station KRIG's licensed transmitter site, at coordinates 36-44-35; 95-45-17. Channel 280A can be allotted to Pawhuska with a site restriction of 8.4 kilometers (5.2 miles) northwest, at coordinates 36-44-00; 96-23-00. Channel 287C2 can be allotted to Bixby with a site restriction of 2.4 kilometers (1.5 miles) south, at coordinates 35-55-15; 95-52-25. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 15, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-100, adopted October 20, 1995, and released October 31, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., 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, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 287C3 and adding Channel 287C2 at Bixby; removing Channel 231C2 and adding Channel 231C1 at Okmulgee, removing Channel 232A and adding Channel 285A at Nowata, and removing Channel 285A and adding Channel 280A at Pawhuska.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-27367 Filed 11-8-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amendment 1-272]

Organization and Delegation of Powers and Duties; Transfer of Delegation From Coast Guard to Saint Lawrence Seaway Development Corporation

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule; suspension of effectiveness.

SUMMARY: This rule suspends the effectiveness of an interim final rule published in the Federal Register on July 31, 1995, transferring from the Coast Guard to the St. Lawrence Seaway Development Corporation responsibility for administering the Secretary's functions under the Great Lakes Pilotage Act of 1960. The interim final rule became effective October 30, 1995. The suspension of effectiveness is necessary to allow the Department additional time to respond to comments.

EFFECTIVE DATE: October 30, 1995.

FOR FURTHER INFORMATION CONTACT:

Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (202) 366-9306, United States Department of Transportation, 400 7th Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On July 31, 1995, the Department of Transportation published an interim final rule with request for comments (60 FR 38971). The interim final rule contained language that transferred delegation of Great Lakes Pilotage functions from the Coast Guard to the St. Lawrence Seaway Development Corporation (SLSDC). The comment period for the interim final rule ended on September 29, 1995, and specified an effective date of October 30, 1995.

Because additional time is needed to consider all the issues raised in the comments, the effectiveness of the interim final rule is being suspended until the Department concludes its review. The Department expects to publish a document in the Federal Register responding to the comments by November 30, 1995.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

Issued at Washington, DC this 27th day of October, 1995.

Federico Peña,

Secretary of Transportation.

Accordingly, 49 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.46 is amended by reinstating paragraph (a) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

(a) Carry out the Great Lakes Pilotage Act of 1960, as amended, except the authority to enter into, revise, or amend arrangements with Canada (74 Stat. 259, 46 U.S.C. 216 *et seq.*)

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§ 1.52 [Amended]

3. Section 1.52 is amended by suspending paragraphs (d) and (e).

[FR Doc. 95-27504 Filed 11-8-95; 8:45 am]

BILLING CODE 4910-62-P-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Notice Describing Fish and Wildlife Service Priority Listing Activities From October 1, 1995 Through November 13, 1995**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of priority listing activities.

SUMMARY: In this notice the Fish and Wildlife Service (Service) describes those activities that it believes may be lawfully conducted pursuant to section 4 of the Endangered Species Act while operating under the continuing resolution from October 1, 1995 through November 13, 1995. The Service interprets the provisions of the continuing resolution to prohibit the issuance of final rules adding species to the list of endangered or threatened wildlife and plants. Emergency listing and designation of critical habitat are also prohibited. Activities the Service believes are authorized include—review and issuance of findings on petitions; conducting public hearings and accepting public comments on proposed listings and critical habitat designations; and preparing, publishing, or withdrawing proposed rules to list, delist, or reclassify species. Highest priority listing activities during the period covered by the continuing resolution will include—completing ongoing public comment periods and conducting scheduled or requested public hearings; completing review and publishing findings on petitions received prior to July 15, 1995; and processing listing actions that would delist species or reclassify endangered species to threatened species.

DATES: This notice governs Service priorities and policies from October 1, 1995 through November 13, 1995.

ADDRESSES: Interested persons or organizations should submit comments to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mailstop ARLSQ-452, Washington, D.C. 20240 (703-358-2171 voice, 703-358-1735 facsimile).

FOR FURTHER INFORMATION CONTACT: Chief, Division of Endangered Species (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION: Public Law 104-6, enacted April 10, 1995, amended Public Law 103-332 (the Interior appropriations act for fiscal year 1995) by placing a moratorium on

certain activities conducted pursuant to section 4 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). The moratorium prohibited the Service from adding species to the lists of endangered or threatened wildlife and plants, including emergency listings, and also prohibited the Service from designating critical habitat for listed species. These moratorium provisions were to lapse on October 1, 1995.

Language included in section 101(a) of the continuing resolution (H.J. Res. 108) specifies that activities conducted in fiscal year 1995 continue in the first six weeks of fiscal year 1996 under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995. The Service interprets this language to extend the moratorium provisions of Public Law 104-6 until the expiration of the continuing resolution on November 13, 1995. Therefore, the Service believes that it is expressly prohibited from adding species to the lists of endangered or threatened wildlife and plants, and from designating critical habitat, during the period October 1, 1995 through November 13, 1995.

Actions that the Service believes are permitted under the authority of section 4 of the Act while operating under the continuing resolution include—review and publication of findings on petitions to list, reclassify, delist, or designate critical habitat; review of candidate species status; production of proposals to add species to the lists of endangered or threatened wildlife and plants; and conducting public hearings on proposed listings.

The Service is also experiencing funding constraints under the continuing resolution and foresees a significant decrease in the funds available for listing activities in fiscal year 1996. The limited amount of resources means that the Service must carefully prioritize its listing activities. To most effectively use the available funds, the Service will limit listing activities from October 1, 1995 through November 13, 1995 to the following:

Completing ongoing comment periods and conducting scheduled or requested public hearings for proposed listings.

Completing review and findings on petitions received prior to July 15, 1995.

Completing review of actions that would delist, reclassify, or withdraw proposed listing for a variety of species.

The Service intends to discontinue work on preparation of proposed listings and critical habitat designations because completion of such actions prior to November 13, 1995 would be unlikely. The Department of Justice has

been requested to seek appropriate relief from pending court orders and settlement agreements. Action on proposed listings issued in fiscal year 1995 will cease once the public comment period closes (generally 60 days after publication of the proposed rule in the Federal Register).

Authority

This notice is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: November 3, 1995.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 95-27899 Filed 11-8-95; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 638**

[Docket No. 950725190-5257-02; I.D. 070395A]

RIN 0648-AH71

Coral and Coral Reefs of the Gulf of Mexico; Amendment 3

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 3 to the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico (FMP). Amendment 3 prohibits the taking of wild live rock in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) off Florida north and west of the Levy/Dixie County line; removes the prohibition on taking wild live rock by chipping between the Pasco/Hernando County and Levy/Dixie County, FL lines; establishes annual quotas for wild live rock harvesting for 1995 and 1996 in the Gulf EEZ; and reduces the amount of substrate that may be taken with allowable octocorals in the Gulf EEZ. The intended effect is to protect the live rock resource and fishery habitat in the Gulf EEZ and to simplify the regulations.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813-570-5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations