

that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 12, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 02-15876 Filed 6-21-02; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-1344; MB Docket No. 02-141; RM-10428]

Radio Broadcasting Services; Belle Haven, Cape Charles, Exmore, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comment on a petition for rulemaking filed on behalf of Commonwealth Broadcasting, LLC, licensee of Station WEXM(FM), Exmore, Virginia, and Sinclair Telecable, d/b/a Sinclair Communications, licensee of Station WROX-FM, Cape Charles, Virginia the proposing the reallocation of Channel 291B from Exmore to Belle Haven, Virginia as the community's first local aural transmission service, and modification of Station WEXM(FM)'s license to reflect the change of community. Station WEXM is licensed on Channel 291A, but was granted a construction permit by one-step application to upgrade to Channel 291B at Exmore (File No. BMPH-20010502AAR). See 66 FR 50576 (October 4, 2001). The petition also requests reallocation of Channel 241B from Cape Charles to Exmore, Virginia and the modification of Station WROX's license to reflect the change of community. Channel 291B can be allotted at Belle Haven at petitioner's requested site 8.5 kilometers (5.3 miles)

west of the community at coordinates NL 37-31-46 and WL 75-54-44. Channel 241B can be allotted at Exmore at a site 29.4 kilometers (18.2 miles) southwest of the community at coordinates NL 37-18-02 and WL 75-59-05.

DATES: Comments must be filed on or before July 29, 2002, and reply comments on or before August 13, 2002.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Howard M. Weiss, Allison Shapiro, Fletcher, Heald & Hildreth P.L.C. 1300 North 17th Street, 11th Floor Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-141, adopted, May 29, 2002, and released June 7, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, or via e-mail qualexint@aol.com.

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 Virginia, is amended by adding Belle Haven, Channel 291B, removing Cape Charles, Channel 241B, and removing Channel 291B and adding 241B at Exmore.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.

[FR Doc. 02-15669 Filed 6-21-02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[MM Docket No. 98-204; DA 02-1025]

En Banc Hearing on Broadcast and Cable EEO Rules and Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On May 3, 2002, the Commission released a public notice announcing the June 24, 2002, *en banc* hearing to discuss issues and views on the Commission's proceeding to promulgate new broadcast and cable equal employment opportunity (EEO) rules. The intended effect of this action is to make the public aware of the Commission's *en banc* hearing.

DATES: The *en banc* hearing will convene from 10 a.m. to 1 p.m. on June 24, 2002.

ADDRESSES: The hearing will be held at the Federal Communications Commission, 445 12th Street, SW., Washington, DC, in the Commission Meeting Room (Room TW-C305).

FOR FURTHER INFORMATION CONTACT: Lewis Pulley, Media Bureau, Policy Division. (202) 418-1450.

SUPPLEMENTARY INFORMATION:

1. By Public Notice dated and released May 3, 2002, the Federal Communications Commission announced that it will hold an *en banc* hearing. The purpose of the *en banc* is to assist the Commission in its examination of the EEO rules applicable to broadcast and cable entities. In January 2001, the District of Columbia Circuit Court of Appeals vacated the rules as unconstitutional, finding them insufficiently tailored to address the Commission's efforts to prohibit race and gender discrimination in broadcast and cable employment. Following the court's decision, the Commission

suspended enforcement of its EEO program outreach and dissemination rules.

2. The *en banc* will feature industry professionals representing both small and large broadcasters and cable entities, academicians, as well as representatives from trade associations and the public interest sector.

3. The *en banc* is open to the public and seating will be available on a first come, first served basis. Internet users may listen to the real-time audio feed of the hearing via the Internet in Real Audio/Real Video format <http://www.fcc.gov/realaudio/>.

Federal Communications Commission.

W. Kenneth Ferree,

Chief, Media Bureau.

[FR Doc. 02-15894 Filed 6-19-02; 4:18 pm]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 020606142-2142-02; I.D. 041802F]

RIN 0648-AP39

Pacific Coast Groundfish Fishery; Experimental Setnet Sablefish Landings To Qualify Limited Entry Sablefish-Endorsed Permits for Tier Assignment

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes this rule to revise sablefish tier qualifications for the limited entry, fixed gear, primary sablefish fishery. The proposed rule would amend tier qualifications to include sablefish landings taken under the provisions of an exempted fishing permit (EFP) from 1984-1985 with setnet gear north of 38° N. lat. Setnet EFP landings would be added to the current pot (trap) and longline landings to qualify a sablefish-endorsed permit for its tier assignment. This action is intended to recognize historical sablefish landings made by current primary season participants.

DATES: Comments must be submitted in writing by July 24, 2002.

ADDRESSES: Send comments to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, 7600 Sand

Point Way NE, Seattle, WA 98115 or Rod McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) for this action are available from Donald McIsaac, Executive Director, Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT:

Yvonne deReynier or Jamie Goen (Northwest Region, NMFS), phone: 206-526-6140; fax: 206-526-6736; and email: yvonne.dereynier@noaa.gov, jamie.goen@noaa.gov; or Svein Fougner (Southwest Region, NMFS), phone: 562-980-4040; fax: 562-980-4047; and email: svein.fougner@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This proposed rule is available on the Government Printing Office's website at http://www.access.gpo.gov/su_docs/aces/aces140.html.

NMFS is proposing this rule based on a recommendation of the Pacific Fishery Management Council (Council), under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The background and rationale for the Council's recommendation are discussed subsequently in this preamble. Additional information is available in the EA/RIR/IRFA prepared by the Council for this action. Detailed information regarding the management history of the limited entry, fixed gear, sablefish-endorsed fishery, including the 3-tier program is available in the preamble to the 3-tier proposed rule at 63 FR 19878, April 22, 1998.

Background

The Pacific Coast Groundfish FMP, established in 1982, directs groundfish management in Federal waters off Washington, Oregon and California. The Federal regulations at 50 CFR part 660, subpart G and the annual specifications and management measures published in the **Federal Register** implement the Pacific Coast groundfish FMP. During the last 20 years, groundfish management has been through many changes including allocations of particular stocks, season scheduling, areas fished and gears used.

Sablefish (*Anoplopoma fimbria*), also known as "blackcod," is one of the most

valuable groundfish species on the Pacific Coast. Because of its value, management decisions affecting the harvest of sablefish can be contentious. In the past, the Council has made several sablefish management decisions including allocation among different sectors of the fleet. Within the last decade, NMFS and the Council have made major changes in the allocation structure of the commercial sablefish fishery by creating a limited entry program, sablefish endorsements, and a tiered quota system.

Sablefish Setnet EFPs

When the FMP was implemented in 1982, the Council banned the use of setnet gear (a buoyed and anchored gillnet or trammel net) to target any groundfish, including sablefish, north of 38° N. lat. The decision, based on limited scientific data, was made primarily to reduce social conflicts over possible salmon bycatch in the groundfish setnet fisheries. In addition to the Council's concerns about salmon bycatch, the Council was concerned over the lack of information on other incidentally caught species, the ability of setnets to fish indefinitely if lost or unattended, the complications associated with adding another gear type to an already complex fishery, the fact that the fishery is heavily capitalized, and the history of conflict between mobile and fixed gears. When the Council decided to ban setnet gear for groundfish north of 38° N. lat. because of these concerns, NMFS approved the ban but also approved an EFP in that area in 1982 to collect more scientific information about the gear's operations.

The FMP specifies that EFPs may be issued to authorize fishing that would otherwise be prohibited. EFPs gather information intended to promote increased use of underutilized species, realize the expansion potential of the groundfish fishery, and increase the harvest efficiency of the fishery consistent with the Magnuson-Stevens Act and the FMP.

From 1982-1985, NMFS issued EFPs to harvest sablefish with setnet gear, including the use of setnet gear north of 38° N. lat. The purpose of setnet EFPs was to study the use of setnet gear as a possible allowable gear type under the FMP and to explore the validity of the Council's concerns in prohibiting the gear north of 38° N. lat. NMFS issued the permits to get information on the use of setnets to harvest sablefish and to evaluate gear conflicts with other fisheries, gear loss, and incidental harvest of salmon, halibut, other groundfish species, marine mammals