

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 01-2856, MM Docket No. 01-332, RM-10334]

**Television Broadcast Service; Pueblo, CO****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Zavaletta Broadcasting of Pueblo, an applicant for a construction permit for a new television station to operate on channel 26+ at Pueblo, Colorado, requesting the substitution of channel 48 for channel 26+ at Pueblo. Channel 48 can be allotted to Pueblo, Colorado, with zero offset consistent with the criteria set forth in the Commission's Public Notice, released on November 22, 1999, DA 99-2605. The coordinates for channel 48 are North Latitude 38-21-30 and West Longitude 104-33-24. Pursuant to the Commission's Public Notice, we will not accept competing expressions of interest in the use of television channel 48 at Pueblo.

**DATES:** Comments must be filed on or before February 4, 2002, and reply comments on or before February 14, 2002.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Linda G. Coffin, Skadden, Arps, Slate, Meagher & Flom LLP, 1440 New York Avenue, NW, Washington, DC 20005 (Counsel for Zavaletta Broadcasting of Pueblo).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-332, adopted December 10, 2001, and released December 13, 2001. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-

863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto: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**

Television broadcasting.

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

**PART 73—TELEVISION BROADCAST SERVICES**

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

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

**§ 73.606 [Amended]**

2. Section 73.606(b), the Table of Television Allotments under Colorado is amended by removing TV Channel 26+ and adding TV Channel 48 at Pueblo.

Federal Communications Commission.

**Barbara A. Kreisman,***Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-31457 Filed 12-20-01; 8:45 am]

**BILLING CODE 6712-01-P****DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 222**

[Docket No. 011130288-1288-01; I.D. 092101C]

**RIN 0648-AP64****Endangered and Threatened Species; Transfer of Permits**

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

**ACTION:** Proposed rule; request for public comments.

**SUMMARY:** NMFS proposes a rule that would allow the transfer of certain permits issued by NMFS under the Endangered Species Act (ESA) of 1973, as amended. This proposed rule would allow the transfer of permits associated with Habitat Conservation Plans, Safe Harbor Agreements with Assurances and Candidate Conservation Agreements with Assurances. Currently, if a permit holder wants to sell property to a new owner, the new owner would need to apply for a separate permit. If regulations are put in place to allow transfers, time and money will be saved for NMFS and the new landowner with no adverse impact on the environment.

**DATES:** Written comments on the proposed rule must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Eastern Standard Time on February 4, 2002.

**ADDRESSES:** Comments on this proposed rule should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to (301) 713-0376. Comments will not be accepted if submitted via e-mail or the Internet.

**FOR FURTHER INFORMATION CONTACT:** Margaret Lorenz or Lamont Jackson at (301) 713-1401.

**SUPPLEMENTARY INFORMATION:****Background**

NMFS is responsible for implementing the ESA, 16 U.S.C. 1531 *et seq.*, with respect to most threatened and endangered marine species.

NMFS' regulation at 50 CFR 222.305 prohibits the transfer of all permits issued under section 10(a) of the ESA. While the restrictions imposed on permit succession and transferability are well justified for most situations (e.g., scientific research permits), they are unnecessary and inappropriate for enhancement and incidental take permits associated with Habitat Conservation Plans, Safe Harbor Agreements with Assurances and Candidate Conservation Agreements with Assurances. These permits involve substantial long-term conservation commitments, and NMFS negotiates these permits recognizing that there may be succession or transfer in ownership during the term of the permit. The U.S. Fish and Wildlife Service (FWS) which also implements the ESA, issued final regulations on June 17, 1999 (64 FR 32706), allowing the transfer of these enhancement and incidental take permits, provided certain conditions are met. On January 22, 2001 (66 FR 6483),