

class downgrade, and change of community of license of Station KQHN(FM) from Magnolia, Arkansas, to Oil City, Louisiana. The document finds that the Bureau did not err in approving the relocation of this FM station.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Media Bureau, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order*, FCC 13-114, MB Docket No. 02-199, RM-10514, adopted August 14, 2013, and released August 16, 2013. The full text of this document 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 20554. The complete text of this document may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or [www.BCPIWEB.com](http://www.BCPIWEB.com).

In the *Report and Order* in this proceeding, the Bureau granted a Petition for Rule Making filed by Cumulus Licensing, LLC's predecessor in interest ("Cumulus") as licensee of Station KQHN(FM) for a downgrade in class of channel, and change of community of license for the station from Channel 300C1 at Magnolia, Arkansas, to Channel 300C2 at Oil City, Louisiana, *See* 70 FR 19337, April 13, 2005. In the *Memorandum Opinion and Order*, the Bureau affirmed the grant and concluded that the relocation of the station to Oil City did not constitute a "move-in" to the Shreveport, Louisiana, Urbanized Area because Cumulus had demonstrated that Oil City is sufficiently independent of the Shreveport Urbanized Area to warrant a first local service preference under the then-existing *Tuck* test. *See* 69 FR 8333, February 24, 2004.

On review, the Commission finds that the Bureau did not err in (1) determining that Oil City was independent of Shreveport; (2) declining to adopt Access.1's proposed processing policy of requiring a certification by a community of license modification proponent that it will not select a site that would provide substantial service to an urbanized area; and (3) finding that the proposed reallocation would serve the public interest. The Commission upholds those decisions for the reasons stated in the *Memorandum Opinion and Order*.

However, the Commission states that some additional discussion is warranted regarding the remaining issues raised by

Access.1. Most importantly, the Commission finds that Cumulus had not engaged in misrepresentation and/or had not shown a lack of candor as to whether its proposal would be a "move-in" to the Shreveport Urbanized Area. The Commission explains that under the then-existing procedures, Cumulus was permitted to specify at the rule making stage reference coordinates of a theoretical fully spaced site and later in the implementing application to specify a different site. Absent any extrinsic evidence to the contrary, which Access.1 did not produce, the Commission concludes that a misrepresentation or lack of candor allegation based on the specification of a different application site is speculative.

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of the *Memorandum Opinion and Order* to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the Application for Review was denied.)

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 1037, 1039, 1042, and 1068

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 535

[EPA-HQ-OAR-2012-0102; NHTSA-2012-0152; FRL 9900-11-OAR]

RIN 2060-AR48; 2127-AL31

### Heavy-Duty Engine and Vehicle and Nonroad Technical Amendments

#### Correction

In rule document 2013-19880 appearing on pages 49963 through 49967 in the issue of Friday, August 16, 2013, make the following correction.

1. On page 49965, in the second column, the equation beneath the first paragraph is corrected to read as set forth below.

### § 1037.104 Exhaust emission standards for CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O for heavy-duty vehicles at or below 14,000 pounds GVWR [Corrected]

$$\text{Force} - (\text{mass} \times \text{acceleration}) = F0 + F1 \cdot (\text{velocity}) + F2 \cdot (\text{velocity})^2$$

[FR Doc. C1-2013-19880 Filed 9-11-13; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 622

[Docket No. 130402313-3748-02]

RIN 0648-BD15

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands; Regulatory Amendment 2

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Regulatory Amendment 2 to the Fishery Management Plan (FMP) for the Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (USVI) (Regulatory Amendment 2), as prepared by the Caribbean Fishery Management Council (Council). This final rule revises the commercial trip limit for queen conch in the Caribbean exclusive economic zone (EEZ) to be compatible with the trip limit in USVI territorial waters. The purpose of this provision is to improve the compatibility of Federal and USVI territorial regulations for queen conch in order to facilitate enforcement efforts while ensuring the long-term health of the queen conch resource. This final rule also changes the regulations specifying the queen conch fishing season to correct an inadvertent change to the text that occurred in a prior rulemaking. The revision better reflects the original and current intent of the Council.

**DATES:** This rule is effective October 15, 2013.

**ADDRESSES:** Electronic copies of Regulatory Amendment 2, which includes an environmental assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review (RIR), may be obtained from the Southeast Regional Office Web site at: <http://sero.nmfs.noaa.gov/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Maria del Mar Lopez, Southeast