1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 Fed. Reg. 22987, published May 26, 1982, proposing to assign Channel 221A to Seabrook, Texas, as its first FM assignment. The *Notice* was issued in response to a petition filed by The Spanish Aural Services Company ("petitioner"). Supporting comments were filed by the petitioner reaffirming that it will apply for the channel, if assigned. C.R. Crisler submitted comments on behalf of Margaret Kay Sandlin (prospective applicant for Channel 221A at Bay City, Texas).

2. Sandlin's comments focus on the mileage separation to the proposed Bay City station operating on Channel 221A. According to Sandlin, Seabrook is located on the western edge of Galveston Bay, which means that the transmitter site for a Seabrook station would have to be located to the west of Seabrook and in the direction of Bay City. Sandlin states that she is not opposed to the proposed assignment at Seabrook, provided it is not short-spaced.

3. After consideration of the proposal and comments in this proceeding, we have concluded that the proposed assignment would serve the public interest and provide Seabrook with its first FM assignment.

4. In the *Notice*, we indicated that the assignment of Channel 221A to Seabrook was contingent on Station KYND (FM), Pasadena, Texas, changing its operating facility from Channel 223 to Channel 225 as was ordered in BC Docket 81-233. Station KYND (FM) has taken steps toward switching to Channel 225. However, it is awaiting construction of a tower at another site which is to accommodate several Houston stations. Thus, although we are granting the assignment of Channel 221A to Seabrook, its availability is dependent upon the prior switch of Station KYND to Channel 225.

5. As for the potential short-spacing to Bay City, we note that two applications are pending there. Based on the sites applied for at Bay City, we believe that there is a sufficient area around Seabrook that can accommodate a non-short spaced transmitter. In any event, this matter can be adequately treated at the application stage.

6. In view of the foregoing and pursuant to the authority contained in §§ 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules, it is ordered, That effective December 7, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with respect to the following community:

City	Channel No.
Seabrook, Texas	221A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-28411 Filed 10-14-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-322; RM-4105

Noncommercial Educational FM Stations in Robstown, Texas Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 208A to Robstown, Texas, in response to a petition filed by the Robstown Independent School District, as a first noncommercial educational channel.

DATE: Effective December 8, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: September 29, 1982.

Released: October 8, 1982.

In the matter of amendment of § 73.504(a), Table of Assignments, Noncommercial Educational FM Stations (Robstown, Texas), BC Docket No. 82-322 RM-4105.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 47 FR 29289, published July 6, 1982, proposing the assignment of Channel 208A to Robstown, Texas, for noncommercial educational use as that community's first noncommercial educational FM assignment. The proposal was made in response to a petition filed by the Robstown Independent School District ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No oppositions to the proposal were received.

2. Mexican concurrence has been received.

3. The Commission has determined that the public interest would be served by assigning Channel 208A to Robstown, Texas, to provide for a first local noncommercial educational FM service to that community.

4. Accordingly, pursuant to the authority contained in Section 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective December 8, 1982, § 73.504(a) of the Commission's rules is amended with respect to the following community:

City	Channel No.
Robstown, Texas	208A

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-28409 Filed 10-14-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-360; RM-4115]

TV Broadcast Station in Fajardo, Puerto Rico Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 34 to Fajardo, Puerto Rico, in response to a petition filed by Michael L. Carter and Hector Nicolau. The channel could provide a second local commercial TV station.

DATE: Effective December 7, 1982

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: September 30, 1982.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Fajardo, Puerto Rico), BC Docket No. 82-360, RM-4115.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 31019, published July 16, 1982, which invited comments on a proposal to assign UHF television Channel 34 to Fajardo, Puerto Rico, as its second commercial television assignment. The *Notice* was in response to a petition filed by Michael L. Carter and Hector Nicolau ("petitioners"). Petitioners reaffirmed their interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria. No oppositions to the proposal were received.

2. Fajardo (pop. 18,249)[1], in the Municipio of Fajardo (pop. 23,032), is located approximately 30 miles east-southeast of San Juan, Puerto Rico. Fajardo has two TV channels—Channel 13 has a construction permit issued for Station WSTE and Channel *40 is unoccupied.

3. In their comments in support of the proposal, petitioners incorporated by reference the information set out in the *Notice* demonstrating the need for a second commercial television assignment at Fajardo.

4. We believe that the petitioners have adequately demonstrated the need for a second commercial television assignment to Fajardo, and that the public interest would be served by assigning UHF television Channel 34 to that community.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective December 7, 1982, the Television Table of Assignments, § 73.606(b) of the rules is amended with respect to the community listed below:

[1] Population data are taken from the 1970 U.S. Census.

City	Channel No.
Fajardo, Puerto Rico	13+, 34, and *40.

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-28410 Filed 10-14-82; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 850

Coast Guard—National Transportation Safety Board Marine Casualty Investigations

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: The board by this revision is incorporating into Part 850 the provisions of an NTSB-Coast Guard agreement concerning the investigation of marine accidents involving Coast Guard vessels or safety functions. These revisions are part of an ongoing review of regulations and the desire to align investigative responsibilities to best serve the public. These changes will avoid duplicative investigative efforts and will eliminate the perception that the joint regulations improperly allow Coast Guard to investigate itself.

EFFECTIVE DATE: October 14, 1982.

FOR FURTHER INFORMATION CONTACT: John M. Stuhldreher, General Counsel, National Transportation Safety Board, Washington, D.C. 20594 (202-382-6540).

SUPPLEMENTARY INFORMATION: Part 850 (49 CFR) and Part 4.4 (46 CFR) set forth the joint regulations the NTSB and the Coast Guard follow in investigating marine casualties. As part of an ongoing review of those regulations and the desire to align investigative responsibilities so as to best serve the public interest, the NTSB and the Coast Guard on September 28, 1981, executed a Memorandum of Understanding concerning changes in the joint regulations. Specifically, the Memorandum provides that:

"1. NTSB will investigate all collisions between a Coast Guard vessel and a nonpublic vessel involving at least one fatality or $75,000 in property damage.

2. When mutually agreed by the two agencies, NTSB will investigate any public vessel/nonpublic vessel casualty resulting in at least one fatality or $75,000 in property damage or any major marine casualty which involves significant safety issues relating to Coast Guard safety functions, e.g., SAR, ATON, VTS, marine inspection, etc.

3. The accident investigation roles of the NTSB and the CG with respect to all other accidents within the scope of the joint regulations will continue unchanged for the interim."

It is believed that these changes will further a goal of the joint regulations to avoid duplicative investigatory effort and, at the same time, eliminate any perception by the public that the joint regulations improperly allow the Coast Guard to investigate itself where its vessels or safety functions are involved in an accident. Under the Memorandum the Coast Guard, with respect to such accidents, will act in a supporting role to the NTSB's investigation.

As the revisions herein relate to rules of agency practice or procedure, notice of proposed rulemaking under 5 U.S.C. 553 is not required.

List of Subjects in 49 CFR Part 850

Investigations, Marine Safety.

PART 850—COAST GUARD—NATIONAL TRANSPORTATION SAFETY BOARD MARINE CASUALTY INVESTIGATIONS

49 CFR Part 850 is hereby amended as follows:

1. Section 850.1 is revised to read as follows:

§ 850.1 Purpose.

This part prescribes the joint regulations of the National Transportation Safety Board and the Coast Guard for the investigation of marine casualties.

2. In § 850.10, paragraph (b)(2) is revised and paragraphs (b)(3) and (b)(4) are added to read as follows:

§ 850.10 Preliminary investigations by the Coast Guard.

(b) * * *

(2) The casualty involves a public and a nonpublic vessel and at least one fatality or $75,000 in property damage; or

(3) The casualty involves a Coast Guard and a nonpublic vessel and at least one fatality or $75,000 in property damage; or

(4) The casualty is a major marine casualty which involves significant safety issues relating to Coast Guard safety functions, e.g., search and rescue,

aids to navigation, vessel traffic systems, commercial vessel safety, etc.

3. Section 850.15 is revised to read as follows:

§ 850.15 Marine casualty investigation by the Board.

(a) The board may conduct an investigation under the Act of any major marine casualty or any casualty involving public and nonpublic vessels. Where the Board determines it will convene a hearing in connection with such an investigation, the Board's rules of practice for transportation accident hearings in 49 CFR Part 845 shall apply.

(b) The board shall conduct an investigation under the Act when:

(1) The casualty involves a Coast Guard and a nonpublic vessel and at least one fatality or $75,000 in property damage; or

The Commandant and the Board agree that the Board shall conduct the investigation, and the casualty involves a public and a nonpublic vessel and at least one fatality or $75,000 in property damage; or

(3) The Commandant and the Board agree that the Board shall conduct the investigation, and the casualty is a major marine casualty which involves significant safety issues relating to Coast Guard safety functions.

4. Section 850.25 is revised to read as follows:

§ 850.25 Coast Guard marine casualty investigation for the Board.

(a) If the Board does not conduct an investigation under § 850.15(a), (b)(2) or (3), the Coast Guard, at the request of the Board, may conduct an investigation under the Act unless there is an allegation of Federal Government misfeasance or nonfeasance.

(b) The Board will request the Coast Guard to conduct an investigation under paragraph (a) of this section within 48 hours of receiving notice under § 850.10(c).

(c) The Coast Guard will advise the Board within 24 hours of receipt of a request under paragraph (b) of this section whether the Coast Guard will conduct an investigation under the Act.

(49 U.S.C. 1903 (a)(1)(E))

Signed at Washington, D.C., on this fourth day of October 1982.

Patricia A. Goldman,

Acting Chairman.

[FR Doc. 82-28330 Filed 10-14-82; 8:45 am]

BILLING CODE 4910-58-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing With Endangered Status and Critical Habitat for the Monito Gecko

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines that the Monito gecko, *Sphaerodactylus micropithecus*, known only from Isla Monito in the Commonwealth of Puerto Rico, is an Endangered Species under provisions of the Endangered Species Act of 1973, as amended. This action is being taken because of the extremely small population size coupled with suspected predation by rats. In addition, the Service determines that the entire island of Monito be declared Critical Habitat. All provisions of Sections 7 and 9 of the Act would now apply to this species.

DATES: This rule becomes effective on November 15, 1982.

ADDRESSES: Questions concerning this action may be addressed to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials relating to the rule are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235-2771) or the Endangered Species Staff of the Service's Regional Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303 (404/221-3583).

SUPPLEMENTARY INFORMATION:

Background. The Monito gecko was discovered on Isla Monito, 5 km. northwest of Mona Island in the Mona Passage, in May of 1974. Until recently, only one adult had been collected in spite of intensive survey by several investigators. (Schwartz, 1977) In addition, an egg was collected at the same time which later hatched in the laboratory; both specimens were deposited at the Florida State Museum. Dr. Howard W. Campbell, who collected the gecko and egg during a two day visit, reported that "An ecological factor of considerable concern on Monito is the dense population of introduced rats. No quantitative estimate is available for their numbers, but it should be noted that, at night, one is never out of sight of at least one foraging rat and frequently several will be in sight at any given moment. The apparent low number of *Ameiva* (a type of lizard) and *Sphaerodactylus* might be the result of rat predation. If the *Sphaerodactylus*, turns out to be an endemic species or subspecies and if its numbers are as low as our data indicate, a rat removal program may be necessary for its preservation." The rat involved is *Rattus rattus*.

Previous surveys of Monito had not revealed the presence of any lizards of the genus *Sphaerodactylus*, which are normally abundant members of a herpetofauna when present (Rolle et al., 1964). Schwartz (1977) described the gecko as a distinct species and noted that the Monito *Sphaerodactylus* was difficult to ally with any geographically proximate species, including *S. monensis* residing only 5 km. away. Monito is a very small island (only about 300 x 500 meters) with steep sides; the presence of an endemic lizard so distinct from nearby forms makes the island and its lizard unique. The rarity of this species, coupled with an abundance of rats (which are known predators on lizards and their eggs), is of concern to herpetologists. Kepler (1978), in his studies of Monito's sea birds, also noted an abundance of rats on the island and speculated that the absence of Audubon's shearwater on Monito might be the result of rat predation.

On August 24-25, 1982, personnel from the Service and the Puerto Rico Department of Natural Resources, using transect survey techniques, searched for the Monito gecko. A total of 56 man hours were spent on the island during the course of the survey and the entire island was thoroughly covered. A total of 18 geckos were observed and eight were captured and photographed; four were preserved and have been deposited in the collections of the U.S. National Museum of Natural History and the Puerto Rico Department of Natural Resources. Geckos were concentrated in two populations, one on the northeast cliff and the other in the northwest. Thus, the survey confirmed that geckos are rare on Monito, unlike *S. monensis* which is abundant on nearby Mona. Details of this survey are in Dodd (1982). A total of 24 rats were also observed during the survey and they were active island wide at all times of day.

On October 22, 1980, the Service proposed Endangered status and Critical Habitat for this species (see the **Federal Register** 45 FR 70192-70195, for details).