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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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-2155 Filed 1-28-97; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 97-22, RM-8953]

Radio Broadcasting Services; Waelder, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Waelder Broadcasting Company requesting the allotment of Channel 242A at Waelder, Texas, as the community's first local FM service. Channel 242A can be allotted to Waelder in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.1 kilometers (2.7 miles) east in order to avoid a short-spacing conflict with the licensed operation of Station KSJL(FM), Channel 241C1, San Antonio, Texas. The coordinates for Channel 242A at Waelder are 29-41-50 and 97-15-21.

DATES: Comments must be filed on or before March 17, 1997, and reply comments on or before April, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Henry E. Crawford, Esq., 1150 Connecticut Avenue, NW, Suite 900, Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-22, adopted January 17, 1997, and released January 24, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

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Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-2156 Filed 1-28-97; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 97-31, RM-8930]

Radio Broadcasting Services; Des Arc, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Whippoorwill Creek Broadcasting requesting the allotment of Channel 284A to Des Arc, Arkansas, as that community's first local commercial FM transmission service. Coordinates used for Channel 284A at Des Arc are 34-58-24 and 91-29-54.

DATES: Comments must be filed on or before March 17, 1997, and reply comments on or before April 1, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC,

interested parties should serve the petitioner's counsel, as follows: Henry E. Crawford, Esq., Law Offices of Henry E. Crawford, 1150 Connecticut Avenue, NW., Suite 900, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-31, adopted January 17, 1997, and released January 24, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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 contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

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List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-2157 Filed 1-28-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies Mr. Alan F. Van Horen's petition to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, Lamps, reflective devices, and associated equipment, to permit an exterior lamp that would be a visual indicator that the vehicle is in its cruise control mode. The petition provided no information to support the petitioner's contention that an exterior lamp showing when a vehicle's cruise control was engaged would enhance safety, nor does NHTSA's experience and judgment suggest any safety benefits from such a lamp.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Flanigan, Office of Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Flanigan's telephone number is: (202) 366-4918. His facsimile number is (202) 366-4329.

SUPPLEMENTARY INFORMATION: By letter dated September 16, 1996, Mr. Van Horen petitioned the agency to amend FMVSS No. 108 to permit an exterior lamp that would serve as a visual indicator that a vehicle operator has engaged the vehicle's cruise control. Mr. Van Horen stated that the indicator would consist of a small green light located in the driver-side tail light housing and driver-side front parking light housing. The indicator would be illuminated when the vehicle's cruise control mode is activated. A silhouette type insignia could be used for color blind motorists. Mr. Van Horen argued that the indicator would contribute to highway safety by reducing "rubbernecking, accidents, and general traffic gridlock."

To establish a new vehicle safety specification, the agency decides, on the basis of data and analyses, that there is a significant safety problem and that the safety problem would likely be reduced by adopting that specification. The petitioner asserted that an external cruise control indicator would reduce "rubbernecking, accidents, and general traffic gridlock." However, the petitioner did not provide any information showing that that lack of a cruise control indicator contributes to crashes, nor is NHTSA aware of any such information from other sources.

Regarding "rubbernecking," the act of observing nearby activity while driving, the petitioner provided no information about how this indicator would reduce crashes occurring as a result of this act. Absent such information, NHTSA's judgment is that "rubbernecking" would not be reduced if vehicle operators were aware that adjacent vehicle operators had engaged their cruise control.

Regarding crashes, the petitioner did not submit any information showing how or how many crashes would be prevented if vehicle operators had this information about cruise control on adjacent vehicles. The agency's judgment is that crashes would not be reduced.

Finally, regarding the reduction of traffic gridlock, the petitioner did not submit any information as to how this indicator would reduce gridlock. The agency fails to see any relationship, let alone one relating to safety, between gridlock and vehicle operators' knowledge of whether adjacent vehicle operators have engaged their cruise control.

The petitioner has submitted no information to support the petition and the agency's judgment is that this indicator would offer no discernable safety benefit. At this time, NHTSA does not believe that changing its agency priorities or allocation of resources to further investigate these types of lamps would be beneficial to safety.

The agency also notes that the specific solution chosen, a green lamp in the same housing as a red tail lamp or an amber or white front parking lamp (or as pictured in the sample illustration provided by the petitioner, optically combined using a multi-color lens and the same optical compartment), would not be permissible under Federal rules. There is a specific provision against any lamp, reflective device, or other motor vehicle equipment that impairs the effectiveness of required motor vehicle lighting equipment. The agency believes that the proximity of the proposed green lamp to the required lamps would impair the effectiveness of required lamps by altering the perceived color of emitted light of the required lamp when the auxiliary green lamp is activated.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies Mr. Van Horen's petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: January 22, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-2095 Filed 1-28-97; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AD05

Endangered and Threatened Wildlife and Plants; Proposed Rule to List the Northern Population of the Bog Turtle as Threatened and the Southern Population as Threatened Due to Similarity of Appearance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to list the northern population of the bog turtle (*Clemmys muhlenbergii*) as threatened from New York and Massachusetts south to Maryland; and the southern population of bog turtle, which occurs in the Appalachian Mountains from southern Virginia to northern Georgia, as threatened due to similarity of appearance to the northern population, with a special rule, pursuant to the Endangered Species Act of 1973 Act), as amended. The bog turtle is threatened by a variety of factors which include: habitat degradation and fragmentation from agriculture and urban development; habitat succession due to invasive exotic and native plants; and illegal trade and collecting.

DATES: Comments from all interested parties must be received by April 29, 1997. Public hearing requests must be received by March 17, 1997.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Pennsylvania Field Office, U.S. Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, Pennsylvania 16801. The complete file for this rule is available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Carole Copeyon, Endangered Species Biologist, at the above address (telephone 814/234-4090; facsimile 814/234-0748).

SUPPLEMENTARY INFORMATION:

Background

The bog turtle was first described and named as Muhlenberg's tortoise (*Testudo muhlenbergii*) by Johann David Schoepff in 1801, based on specimens received in 1778 from Reverend Heinrich Muhlenberg of Lancaster County, Pennsylvania. In 1835, L.J. Fitzinger transferred the species to the genus *Clemmys*, where it remains today