

**SUMMARY:** This document denies the petition for reconsideration filed by Reding Broadcasting Company of the Report and Order, 57 FR 56515 (November 30, 1992), in which the Commission dismissed Reding's counterproposal proposal requesting the substitution of 253C2 for Channel 252A at Pleasanton, Texas and the modification of Station KBUC-FM's (formerly KBOP-FM) license accordingly, the substitution of Channel 276A for Channel 252A at Bandera, Texas; the allotment of Channel 276C2 to Karnes City, Texas; and the substitution of Channel 290A for Channel 253A at Hondo, Texas. This document affirms the Report and Order's determination that Reding's counterproposal was unacceptable for filing because under the Commission's Rules and the FM Agreement between the United States and Mexico in effect at the time of filing, Reding's proposals for Channel 276A at Bandera, and Channel 290A at Hondo were short-spaced to Mexican FM allotments. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** January 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Mass Media Bureau, (202) 418-2130.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No 90-466, adopted December 30, 1997, and released January 9, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 Service, Inc., (202) 857-3800, 1231 20th Street, NW., Suite 140, Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**Douglas W. Webbink,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-52; RM-8987 and RM-9098]

#### Radio Broadcasting Services; Kellnersville and Two Rivers, WI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 246A to Two Rivers, Wisconsin, as that community's second local FM broadcast service in response to a petition filed by First Congregational Services. See 62 FR 6929, February 14, 1997. The coordinates for Channel 246A at Two Rivers are 44-09-06 and 87-34-06. The counterproposal filed by Value Radio Corporation proposing the allotment of Channel 246A at Kellnersville, Wisconsin, has been dismissed. With this action, this proceeding is terminated. A filing window for Channel 246A at Two Rivers will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**EFFECTIVE DATE:** March 2, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 97-52, adopted January 7, 1998, and released January 16, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

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 Wisconsin, is amended by adding Channel 246A at Two Rivers.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 98-1893 Filed 1-26-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-221; RM-9181]

#### Radio Broadcasting Services; Satellite Beach, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action in this document allots Channel 253A to Satellite Beach, Florida, as that community's first local service in response to a petition filed by Satellite Beach Community Broadcasters. See 62 FR 58937, October 31, 1997. The coordinates for Channel 253A at Satellite Beach are 28-10-24 and 80-36-12. With this action, this proceeding is terminated. A filing window for Channel 253A at Satellite Beach, Florida, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**EFFECTIVE DATE:** March 2, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 97-221, adopted January 7, 1998, and released January 16, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—[AMENDED]**

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Satellite Beach and Channel 253A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 98-1891 Filed 1-26-98; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

RIN 1018-AE59

**Endangered and Threatened Wildlife and Plants; Emergency Rule To List the San Bernardino Kangaroo Rat as Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Emergency rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) exercises its emergency authority to determine the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) to be an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act). This subspecies occurs primarily in alluvial scrub habitats with appropriate vegetative cover and substrate composition. The historic range of the San Bernardino kangaroo rat has been reduced by approximately 96 percent due to agricultural and urban development. All of the remaining populations of the San Bernardino kangaroo rat are threatened by habitat loss, degradation, and fragmentation due to sand and gravel mining operations, flood control projects, urban development, and vandalism. In addition, the three largest remaining populations of the San Bernardino kangaroo rat are threatened by habitat loss resulting from a change in the natural stream flow regime including seasonal flooding and associated modification of plant succession patterns. The threat of vandalism to large portions of the remaining habitat

may be imminent. Threats have been made indicating that habitat would be destroyed if the Service attempted to list the San Bernardino kangaroo rat. Because of the need to make protective measures afforded by the Act immediately available to this subspecies and its habitat, the Service finds that an emergency rule action is justified. This emergency rule provides Federal protection pursuant to the Act for this subspecies for a period of 240 days. A proposed rule to list the San Bernardino kangaroo rat, requesting data and comment from the public, is being published concurrently in this same **Federal Register** issue under the proposed rule section.

**DATES:** This emergency rule is effective on January 27, 1998, and expires on September 24, 1998.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008.

**FOR FURTHER INFORMATION CONTACT:** Field Supervisor, at the above address (telephone 760/431-9440).

**SUPPLEMENTARY INFORMATION:**

**Background**

The San Bernardino kangaroo rat (*Dipodomys merriami parvus*) is one of 19 recognized subspecies of Merriam's kangaroo rat (*D. merriami*), a widespread species distributed throughout arid regions of the western United States and northwestern Mexico (Hall 1981, Williams *et al.* 1993). In coastal southern California, *D. merriami* is the only species of kangaroo rat with four toes on each of its hind feet. The San Bernardino kangaroo rat has a body length of about 95 millimeters (mm) (3.7 inches (in)) and a total length of 230 to 235 mm (9 to 9.3 in). The hind foot measures less than 36 mm (1.4 in) in length. The body color is weakly ochraceous (yellow) with a heavy overwash of dusky brown. The tail stripes are medium to dark brown and the foot pads and tail hairs are dark brown. The animal's flanks and cheeks are dusky (Lidicker 1960). The San Bernardino kangaroo rat is considerably darker and much smaller than either of the other two subspecies of Merriam's kangaroo rat in southern California, *D. merriami merriami* and *D. merriami collinus*. Lidicker (1960) noted that the San Bernardino kangaroo rat is one of the most highly differentiated subspecies of *D. merriami* and that "it seems likely that it has achieved nearly species rank." This differentiation is

likely due to its apparent isolation from other members of *D. merriami*.

The San Bernardino kangaroo rat, a member of the family Heteromyidae, was first described by Rhoades in 1894 under the name *Dipodomys parvus* from specimens collected by R.B. Herron in Reche Canyon, San Bernardino County, California (Hall 1981). Elliot reduced *D. parvus* to a subspecies of *D. merriami* (*D. merriami parvus*) in 1901. The San Bernardino kangaroo rat appears to be separated from Merriam's kangaroo rat (*D. merriami merriami*) at the northernmost extent of its range near Cajon Pass by a 8 to 13 kilometer (km) (5 to 8 mile (mi)) gap of unsuitable habitat. The San Bernardino kangaroo rat may have in the distant past also intergraded with *D. merriami collinus* to the south in the vicinity of Menifee (Lidicker 1960, Hall 1981).

The historical range of this subspecies extends from the San Bernardino Valley in San Bernardino County to the Menifee Valley in Riverside County (Lidicker 1960, Hall 1981). Within this range, the San Bernardino kangaroo rat was known from over 25 localities (McKernan 1993). From the early 1880's to the early 1930's, the San Bernardino kangaroo rat was a common resident of the San Bernardino and San Jacinto valleys of southern California (Lidicker 1960).

In most heteromyids, soil texture is a primary factor in determining species' distributions (Brown and Harney 1993). San Bernardino kangaroo rats are found primarily on sandy loam substrates, characteristic of alluvial fans and flood plains, where they are able to dig simple, shallow, burrows (McKernan 1997). Based on the distribution of suitable (i.e., sandy) soils and the historical collections of this subspecies, the historical range is thought to have encompassed an area of approximately 128,000 hectares (ha) (320,000 acres (ac)) (Service, unpub. GIS maps, 1997). Although the entire area of the historical range would not have been occupied due to variability in vegetation and soils, the San Bernardino kangaroo rat was widely distributed across this area. By the 1930's, the habitat had been reduced to approximately 11,200 ha (28,000 ac) (McKernan 1997).

Currently, the San Bernardino kangaroo rat occupies approximately 1,299 ha (3,247 ac) of suitable habitat divided unequally among seven locations, which are widely separated from one another (McKernan 1997). Four of these locations (City Creek (8 ha (20 ac)), Etiwanda (2 ha (5 ac)), Reche Canyon (2 ha (5 ac)), and South Bloomington (.8 ha (2 ac)) support only small, remnant, populations. The