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Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, 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:

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–11, adopted January 16, 2004, and released January 22, 2004. 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

Digital television broadcasting, Television.

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

#### PART 73—RADIO BROADCAST SERVICES

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

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

##### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Kansas is amended by adding DTV channel \*19 at Colby.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04–2832 Filed 2–9–04; 8:45 am]

**BILLING CODE 6712–01–P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 04–73; MB Docket No. 02–164, RM–10476]

##### Radio Broadcasting Services; Cimarron, NM

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; dismissal.

**SUMMARY:** Sierra Grande Broadcasting filed a petition for rule making proposing the allotment of Channel 236C2 at Cimarron, New Mexico, as the community's first local aural transmission service. See 67 FR 47502, July 19, 2002. Petitioner subsequently filed an amendment requesting the allotment of Channel 296C1 in lieu of Channel 236C2 at Cimarron, New Mexico. The new proposal to allot Channel 296C1 at Cimarron conflicts with a pending petition to allot Channel 296A at Las Vegas, New Mexico, and will be considered in the context of that proceeding. A showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. Therefore, we will dismiss petitioner's petition in the instant proceeding.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 02–164, adopted January 14, 2004, and released January 20, 2004. The full text of this Commission decision 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. The complete text of this decision may also be purchased from the Commission's copy contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–2834 Filed 2–9–04; 8:45 am]

**BILLING CODE 6712–01–P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 04–72; MB Docket No. 04–12; RM–10834]

##### Radio Broadcasting Services; Littleville and Russellville, AL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rulemaking filed by Clear Channel Broadcasting Licenses, Inc. requesting the reallocation of Channel 278A from Russellville, Alabama, to Littleville, Alabama, and modification of the license for Station WMXV to specify operation at Littleville. Channel 278A can be allotted to Littleville at coordinates 34–35–44 and 87–40–47. In accordance with the provisions of § 1.420(i) of the Commission's Rules, we shall not accept competing expressions of interest for the use of Channel 278A at Littleville.

**DATES:** Comments must be filed on or before March 8, 2004, and reply comments on or before March 23, 2004.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Marissa G. Repp, Hogan & Hartson L.L.P., 555 Thirteenth Street, NW., Washington, DC 20004–1109.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Media Bureau,  
(202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04-12, adopted January 14, 2004, and released January 20, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW, Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 202-863-2893, 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**

Radio, Radio broadcasting.

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

**PART 73—RADIO BROADCAST SERVICES**

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by adding Littleville, Channel 278A, and removing Russellville, Channel 249A.<sup>1</sup>

<sup>1</sup>In MM Docket No. 01-62, Station WKGL was ordered to specify operation on Channel 278A in lieu of Channel 249A at Russellville, Alabama. See *Ardmore, AL et al.*, 17 FCC Rcd 16332. Station WKGL was granted a license (BMLH-20030415ACF), which implemented this change.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04-2833 Filed 2-9-04; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; 90-day Finding for a Petition To List *Cymopterus deserticola* (Desert Cymopterus) as Endangered**

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

**ACTION:** Notice of 90-day petition finding and initiation of status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding for a petition to list *Cymopterus deserticola* (desert cymopterus) as endangered under the Endangered Species Act of 1973, as amended. We find that the petition does present substantial scientific or commercial information indicating that listing this species may be warranted. Therefore, with the publication of this notice, we are initiating a status review of the species, and will issue a 12-month finding to determine if the petitioned action is warranted. To help ensure the review is comprehensive, we are soliciting information and data regarding this species.

**DATES:** The finding announced in this document was made on January 29, 2004. To be considered in the 12-month finding for this petition, comments and information must be submitted to us by April 12, 2004.

**ADDRESSES:** Data, information, written comments and materials, or questions concerning this petition and finding must be submitted to the Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. The petition finding and supporting information are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, at the above ADDRESSES (telephone 805/644-1766; facsimile 805/644-3958).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We are to base this finding on all information available to us at the time we make the finding. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is "that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted" (50 CFR 424.14(b)). If the finding is that substantial information was presented, we are required to promptly commence a review of the status of the species, if one has not already been initiated under our internal candidate assessment process.

*Cymopterus deserticola* became a candidate for listing in 1975. In 1993, the Service elevated the status of *C. deserticola* from a "C2" candidate to a "C1" candidate. In 1995, *C. deserticola* was returned to the "C2" category, citing reduced threats due to the development of the West Mojave Plan (BLM 2003). In 1996, the Service discontinued the recognition of "C2" candidates and henceforth referred to former "C1" candidates as "candidates" (61 FR 7457).

On April 15, 2002, the Service received a petition, dated March 29, 2002, from Ilene Anderson of the California Native Plant Society and Daniel Patterson of the Center for Biological Diversity, requesting that the Service list *Cymopterus deserticola* (desert cymopterus) in the western Mojave Desert, California, as endangered pursuant to the Act, and to concurrently designate critical habitat. The petition requested endangered status because the petitioners assert very few *C. deserticola* remain in the western Mojave Desert, this species has suffered declines in recent years, and habitat destruction is ongoing and impending.

In response to the petitioners' requests to list *Cymopterus deserticola*, we sent a letter to the petitioners on June 12, 2002, explaining that we would not be able to address their petition until fiscal year 2003. The reason for this delay was that court orders and settlement agreements required nearly