

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 Texas, is amended by adding Channel 233A at Kiowa.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-14965 Filed 8-2-05; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05-2018; MB Docket No. 05-229; RM-10780]

Radio Broadcasting Services; Rosebud, Tyler and Madisonville, Texas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by Charles Crawford requesting the allotment of Channel 267A at Rosebud, Texas, as that community's first local aural transmission service. To accommodate this allotment, Petitioner requests a change in reference coordinates for vacant FM Channel 267A at Madisonville, Texas, which requires the reclassification of FM Station KNUE, Channel 268C, Tyler, Texas, to specify operation on Channel 268C0 pursuant to the reclassification procedures adopted by the Commission. See *Second Report and Order* in MM Docket 98-93, *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 65 FR 79773 (2000). An Order to Show Cause was issued to Capstar Royalty II Coporation, licensee of FM Station KNUE, Channel 267A can be allotted with a site restriction 9.1 kilometers (5.6 miles) southwest at reference coordinates 31-01-44 NL and 97-03-31 WL. To accommodate the proposed Rosebud allotment, we will propose the relocation of the reference coordinates for vacant Channel 267A at Madisonville, TX, with a site restriction

of 11.6 kilometers (7.2 miles) northeast of Madisonville at reference coordinates 31-02-22 NL and 95-51-00 WL.

DATES: Comments must be filed on or before September 6, 2005, and reply comments on or before September 20, 2005. Any counterproposal filed in this proceeding need only protect FM Station KNUE, Tyler, Texas, as a Class C0 allotment.

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 as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205.

FOR FURTHER INFORMATION CONTACT:

Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 05-229, adopted July 13, 2005, and released July 15, 2005. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

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 Texas is amended by adding Rosebud, Channel 267A, by removing Channel 268C and by adding Channel 268C0 at Tyler.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-14963 Filed 8-2-05; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05-2019; MB Docket No. 05-230; RM-11032]

Radio Broadcasting Services; Auxvasse and Crestwood, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by Charles Crawford requesting the allotment of Channel 235A at Auxvasse, Missouri, as that community's first local service. The proposal also requires the reclassification of Station KSHE(FM), Crestwood, Missouri, Channel 234C to specify operation on Channel 234C0 pursuant to the reclassification procedures adopted by the Commission. See *Second Report and Order* in MM Docket 98-93, *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 65 FR 79773 (2000). An Order to Show Cause was issued to Emmis Radio License, LLC, licensee of Station KSHE(FM). Channel 235A can be allotted at Auxvasse, Missouri, at Petitioner's requested site 10.3 kilometers (6.4 miles) southwest at reference coordinates 38-58-04 NL and 91-59-47 WL.

DATES: Comments must be filed on or before September 6, 2005, and reply comments on or before September 20, 2005. Any counterproposal filed in this proceeding need only protect Station KSHE(FM), Crestwood, Missouri, as a Class C0 allotment.

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 as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205.

FOR FURTHER INFORMATION CONTACT:

Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 05-230, adopted July 13, 2005, and released July 15, 2005. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

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 Missouri is amended by adding Auxvasse, Channel 235A, by removing Channel 234C and by adding Channel 234C0 at Crestwood.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-14960 Filed 8-2-05; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To Delist *Sclerocactus wrightiae* (Wright Fishhook Cactus) and Initiation of a 5-Year Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of a 90-day petition finding and initiation of a 5-year status review.

SUMMARY: We, the U.S. Fish and Wildlife Service (USFWS), announce a 90-day finding for a petition to remove *Sclerocactus wrightiae* (Wright fishhook cactus), throughout its range, from the Federal list of threatened and endangered species, pursuant to the Endangered Species Act of 1973, as amended (Act). We reviewed the petition and supporting documentation and find that there is not substantial information indicating that delisting of Wright fishhook cactus may be warranted. Therefore, we will not be initiating a further 12-month status review in response to this petition. However, we are initiating a 5-year review of this species under section 4(c)(2)(A) of the ESA that will consider new information that has become available since the listing of the species. This will provide the States, Tribes, other agencies, university researchers, and the public an opportunity to provide information on the status of the species. We are requesting any new information on the Wright fishhook cactus that has become available since its original listing as an endangered species in 1979.

DATES: The finding announced in this document was made on August 3, 2005. To be considered in the 5-year review, comments and information should be submitted to us by October 3, 2005.

ADDRESSES: Data, information, written comments and materials, or questions concerning this petition finding and 5-year review should be submitted to the Field Supervisor, Utah Ecological Services Office, U.S. Fish and Wildlife Service, 2369 West Orton Circle, Suite 50, West Valley City, Utah 84119. The

complete file for this finding is available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Heather Barnes, Botanist, (see ADDRESSES) (telephone 801-975-3330).

SUPPLEMENTARY INFORMATION:

Background

Sclerocactus wrightiae (Wright fishhook cactus) is a small barrel shaped cactus, with short central spines. Mature adults produce vessel-shaped, cream-colored flowers with magenta filaments. Wright fishhook cactus is known to occur across portions of four counties in Utah. It has been found on soil formations, such as Emery sandstone, Mancos shale, Dakota sandstone, Morrison, Summerville, Curtis, Entrada sandstone, Carmel, Moenkopi, and alluvium (Neese 1987; Clark and Groebner 2003). Vegetation associations include semi-barren sites within desert scrub or open pinyon juniper woodland communities at 1,300 to 2,300 meters (4,200 to 7,600 feet) in elevation. On October 11, 1979, we listed Wright fishhook cactus as an endangered species (44 FR 58866) based on its limited population size and distribution as well as known and potential threats from collection, mineral resource exploration and extraction activities, and off-road vehicle (ORV) use.

Section 4(b)(3)(A) of the Act requires that we 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. "Substantial information" is defined in 50 CFR 424.14(b) as "that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted." Petitioners need not prove that the petitioned action is warranted to support a "substantial" finding; instead, the key consideration in evaluating a petition for substantiality involves demonstration of the reliability and adequacy of the information supporting the action advocated by the petition. We do not conduct additional research at this point, nor do we subject the petition to rigorous critical review. If we find substantial information exists to support the petitioned action, we are required to promptly commence a status review of the species (50 CFR 424.14).

On February 3, 1997, we received a petition from the National Wilderness Institute, to remove Wright fishhook cactus from the List of Endangered and Threatened Wildlife and Plants on the