

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: July 13, 2012.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2012-18077 Filed 7-23-12; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MB Docket No. 12-177; RM-11665; DA 12-1008]

**Radio Broadcasting Services; Randsburg, CA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on petition for rule making filed by Sound Enterprises, proposing the substitution of Channel 275A for vacant Channel 271A at Randsburg, California. The proposed channel substitution at Randsburg accommodates Petitioner's hybrid application, requesting to upgrade the facilities for Station KSSI(FM) from Channel 274A to Channel 271B1 at China Lake, California. See File No. BPH-20120314ACB. Channel 275A can be allotted to Randsburg consistent with the minimum distance separation requirements of the Rules with a site restriction 0.04 kilometers (0.03 miles) southeast of the community. The reference coordinates are 35-22-06 NL and 117-39-25 WL.

**DATES:** Comments must be filed on or before August 20, 2012, and reply comments on or before September 4, 2012.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Sound Enterprises, c/o Richard J. Hayes, Jr., Esq., Attorney at Law, 27 Water's Edge Drive, Lincolnville, Maine 04849.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of

Proposed Rule Making, MB Docket No. 12-177, adopted June 28, 2012, and released June 29, 2012. 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 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or via email [www.BCPIWEB.com](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.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

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, 336 and 339.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Randsburg, California, is amended by removing Channel 271A

and by adding Channel 275A at Randsburg.

[FR Doc. 2012-17789 Filed 7-23-12; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 552; 557****Denial of Motor Vehicle Defect Petition and Petition for a Hearing**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Denial of petition.

**SUMMARY:** The Center for Auto Safety has petitioned NHTSA to open defect investigations on Model Year (MY) 2002-2004 Ford Escape and 2001-2004 Mazda Tribute vehicles with certain cruise control cables. The Center for Auto Safety has also petitioned for a hearing to address whether Ford Motor Company (Ford) and Mazda North American Operations (Mazda) met their obligations to notify owners and correct a defect in certain Ford Escape and Mazda Tribute vehicles. The petitions to open investigations are denied as moot and the petitions to conduct hearings are denied.

**FOR FURTHER INFORMATION CONTACT:** Derek Rinehardt, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (Telephone: 202-366-3642).

**SUPPLEMENTARY INFORMATION:****I. Background**

The Center for Auto Safety, in letters dated July 8, 2012 and July 13, 2012, petitioned for a Defect Order under 49 CFR Part 552 and for a Hearing on Notification and Remedy of Defects under 49 CFR Part 577. The petitions relate to Ford's recall of MY 2002-2004 Ford Escape vehicles (Recall 04V-574) and Mazda's recall of MY 2002-2004 Mazda Tribute vehicles (Recall 04V-583).

In 49 CFR Part 573 Defect and Information Reports (Part 573 Report) filed in December 2004, Ford and Mazda both informed NHTSA that the inner liner of the accelerator cable in certain Ford Escape and Mazda Tribute vehicles could migrate out of place during vehicle operation, and prevent the throttle body from returning to the idle position. Ford and Mazda said that the safety consequence of a throttle body not returning to the idle position was a progressive, and in some cases sudden increase in speed. Ford and

Mazda notified vehicle owners of the recalls (Recall 04V-574 and 04V-583) in January 2005. Thereafter, on October 6, 2005, Ford released a recall update to dealers. In that update, Ford provided supplemental instructions on how to remove the accelerator cable. The instructions indicate that damage to the speed (or cruise) control cable can result if the accelerator cable is not properly removed. Mazda, however, did not issue a recall update.

The Center for Auto Safety (CAS) asserts that Ford and Mazda failed to notify about 319,500 Ford Escape owners and 84,700 Mazda Tribute owners that their vehicles' speed (or cruise) control cables may have been damaged during the accelerator cable replacements conducted in Recall 04V-574 and Recall 04V-583. According to CAS, these vehicles were repaired prior to September 30, 2005. Related to this potential damage, CAS states that Ford and Mazda did not file Part 573 Reports with NHTSA which would have initiated a second recall. CAS adds that Ford and Mazda did not file Part 573 Reports and recall the cruise control cables. CAS claims that the cruise control cable can fail independently of being damaged in the course of repairs conducted pursuant to Recall 04V-574 and Recall 04V-583.

In its July 8 petition, CAS refers to a crash involving a MY 2002 Ford Escape which occurred in January 2012 in Payson, Arizona. The driver of the Ford Escape was killed in the crash. CAS states that the driver's vehicle had been repaired in January 2005, after Recall 04V-574 was announced but before the October 2005 recall update was released.

NHTSA has been gathering information on the Arizona crash since early 2012 when it first learned of it. NHTSA obtained the police report when it became available. In June 2012, NHTSA contacted counsel representing the driver's family to obtain more information on the crash. Independent of CAS's petition, NHTSA opened a preliminary investigation (PE 12-019) on July 17, 2012 that among other things will encompass issues raised by the Center for Auto Safety's petition.

## **II. CAS's Petition That NHTSA Open a Defect Investigation Is Denied as Moot**

CAS requests that NHTSA open a defect investigation into MY 2002-2004 Ford Escapes and MY 2001-2004 Mazda Tributes with cruise control cables of the same design as in Recall 04V-574, Recall 04V-583, and in the Arizona vehicle. Pursuant to 49 CFR 552.3, any interested person may file a petition requesting that the Administrator

commence a proceeding to decide whether to issue an order concerning the notification and remedy of a failure of a motor vehicle or item of replacement equipment to comply with an applicable motor vehicle safety standard or a defect in such vehicle or equipment that relates to motor vehicle safety. If NHTSA grants the petition, NHTSA opens an investigation.

Based on the information obtained by NHTSA prior to the filing of the CAS petition, NHTSA opened an investigation on July 17, 2012 that will, among other issues, assess the scope and remedy of Recall 04V-574 (involving certain model year 2002-2004 Ford Escape vehicles) and Recall 04V-583 (involving certain model year 2002-2004 Mazda Tribute vehicles). In view of the fact that NHTSA has opened an investigation that will examine the issues on the Ford Escape and Mazda Tribute speed control cables, including claims raised by CAS, the agency denies this portion of CAS's petition as moot.

## **III. CAS's Petition for a Hearing on Notification and Remedy of Defects Is Denied**

CAS's petition for a hearing on notification and remedy of defects pursuant to 49 CFR Part 557 requests that NHTSA hold a hearing to determine whether Ford and Mazda reasonably met their obligations to notify owners and correct the defects at issue in Recall 04V-574 and Recall 04V-583. In determining whether to hold a hearing, the agency considers (1) The nature of the complaint; (2) the seriousness of the alleged breach of obligation to remedy; (3) the existence of similar complaints; (4) the ability of the NHTSA to resolve the problem without holding a hearing; and (5) other pertinent matters. 49 CFR 557.6.

We first consider the nature of the complaint. CAS claims that Ford did not notify owners of about 319,500 vehicles of potential damage to speed control cables caused by a faulty recall repair in Recall 04V-574. CAS claims that Mazda did not notify owners of about 84,700 vehicles of potential damage to speed control cables caused by a faulty recall repair in Recall 04V-583. CAS also claims that Ford and Mazda did not file Reports pursuant to 49 CFR Part 573 with NHTSA which would have initiated a second recall. Finally, CAS claims that Ford and Mazda did not file Part 573 Reports and recall the cruise control cable. Federal regulations require vehicle manufacturers to submit reports to NHTSA for each defect that the manufacturer or the Administrator of NHTSA determines to be related to motor vehicle safety. 49 CFR 573.6.

Issues of the nature raised by CAS will be addressed in PE 12-019.

Second, we consider the seriousness of the alleged breach of obligation to remedy. If CAS's claims are true, they are serious. NHTSA will consider them in PE 12-019.

Third, we consider the existence of similar complaints. NHTSA received complaints from consumers by way of Vehicle Owner Questionnaires (VOQ's) regarding accelerator cable failure, cruise control cable failure, and/or stuck throttles. These are identified in the PE 12-019 Opening Resume in certain MY 2002-2004 Ford Escape and Mazda Tribute vehicles. NHTSA takes these complaints seriously. Considering the VOQ complaints in the context of the 2012 crash in Arizona, NHTSA opened a preliminary evaluation to investigate the safety consequence broadly including the scope and adequacy of Recall 04V-574 and Recall 04V-583. However, aside from the petition from CAS, NHTSA has not received any other complaints that Ford and Mazda failed to notify owners of vehicles that had been repaired pursuant to Recall 04V-574 or Recall 04V-583 of a faulty recall repair, file a Part 573 Report with NHTSA and initiate a second Ford Escape or Mazda Tribute recall, or file a Part 573 Report reporting the cruise control cable defect and recalling the Ford Escape and Mazda Tribute cruise control cables. Nor has NHTSA received any other requests that the Agency conduct a hearing to assess whether Ford and Mazda have met their statutory and regulatory obligations to notify owners and correct the defects at issue in Recall 04V-574 and Recall 04V-583.

Fourth, we consider the likelihood that NHTSA can resolve this alleged problem without a hearing. NHTSA believes that it can obtain the information it needs to resolve this matter by directly using its information gathering authorities with respect to Ford and Mazda, contacting Ford Escape and Mazda Tribute owners and otherwise conducting an agency investigation. We do not believe that there would be benefits to holding a hearing. In fact, the time taken to plan for and hold a hearing would detract from the investigation.

Finally, the Agency will consider other pertinent factors. The Agency has opened PE 12-019 to assess the Ford Escape and Mazda Tribute recalls and broader issues that may not be related to those recalls. We believe that an investigation is a more efficient way of obtaining the information necessary to evaluate the issues presented in CAS's petition than holding a hearing.

CAS's petition for a hearing is denied.

**Authority:** 49 U.S.C. 30118–30120, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: July 17, 2012.

**David Strickland,**  
Administrator.

[FR Doc. 2012–18060 Filed 7–23–12; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–R2–ES–2012–0048;  
4500030113]

#### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Sonoran Talussnail as Endangered or Threatened

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the Sonoran talussnail (*Sonorella magdalenensis*) as endangered or threatened under the Endangered Species Act of 1973, as amended (Act), and to designate critical habitat. Based on our review, we find that the petition presents substantial scientific or commercial information indicating that listing this species may be warranted. Therefore, with the publication of this notice, we are initiating a review of the status of the species to determine if listing the Sonoran talussnail is warranted. To ensure that this status review is comprehensive, we are requesting scientific and commercial data and other information regarding this species. Based on the status review, we will issue a 12-month finding on the petition, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

**DATES:** We request that we receive information on or before September 24, 2012. The deadline for submitting an electronic comment using the Federal eRulemaking Portal (see **ADDRESSES** section, below) is 11:59 p.m. Eastern Time on this date. After September 24, 2012, you must submit information directly to the Division of Policy and Directives Management (see **ADDRESSES** section below). Please note that we might not be able to address or incorporate information that we receive after the above requested date.

**ADDRESSES:** You may submit information by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search field, enter Docket No. FWS–R2–ES–2012–0048, which is the docket number for this action. Then click on the Search button. You may submit a comment by clicking on “Comment Now!”

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2012–0048; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We will post all information we receive on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Request for Information section below for more details).

#### FOR FURTHER INFORMATION CONTACT:

Steve Spangle, Field Supervisor, Arizona Ecological Services Office, 2321 West Royal Palm Road, Phoenix, AZ 85021; by telephone at 602–242–0210; or by facsimile at 602–242–2513. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

#### SUPPLEMENTARY INFORMATION:

##### Request for Information

When we make a finding that a petition presents substantial information indicating that listing a species may be warranted, we are required to promptly review the status of the species (status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on the Sonoran talussnail from governmental agencies, Native American tribes, the scientific community, industry, and any other interested parties. We seek information on:

- (1) The species' biology, range, and population trends, including:
  - (a) Habitat requirements for feeding, breeding, and sheltering;
  - (b) Genetics and taxonomy;
  - (c) Historical and current range, including distribution patterns;
  - (d) Historical and current population levels, and current and projected trends; and
  - (e) Past and ongoing threats and conservation measures for the species, its habitat or both.

(2) The factors that are the basis for making a listing determination for a species under section 4(a) of the Act (16 U.S.C. 1531 *et seq.*), which are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range;

(b) Overutilization for commercial, recreational, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting its continued existence.

If, after the status review, we determine that listing the Sonoran talussnail is warranted, we will propose critical habitat (see definition in section 3(5)(A) of the Act) under section 4 of the Act, to the maximum extent prudent and determinable at the time we propose to list the species. Therefore, we also request data and information on:

(1) What may constitute “physical or biological features essential to the conservation of the species,” within the geographical range currently occupied by the species;

(2) Where these features are currently found;

(3) Whether any of these features may require special management considerations or protection;

(4) Specific areas outside the geographical area occupied by the species that are “essential to the conservation of the species”; and

(5) What, if any, critical habitat you think we should propose for designation if the species is proposed for listing, and why such habitat meets the requirements of section 4 of the Act.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made “solely on the basis of the best scientific and commercial data available.”

You may submit your information concerning this status review by one of the methods listed in the **ADDRESSES** section. If you submit information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public