

Commissioner to receive a personal copy of your comments, you must file an original and nine copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Parties should also submit two copies of comments and reply comments to Bobby Brown, Commercial Wireless Division, Wireless Telecommunications Bureau, 2025 M Street, N.W., Room 7130, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

E. Authority

The above action is authorized under the Communications Act of 1934, §§ 1, 4, 222, 252(c)(5), 301, and 303, 47 U.S.C. §§ 151, 154, 222, 252(c)(5), 301, and 303, as amended, and Section 601(d) of the Telecommunications Act of 1996, Section 601(d), Public Law 104-104, 110 Stat. 56 (1996).

F. Ordering Clauses

It is ordered that pursuant to Sections 1, 4, 222, 252(c)(5), 301, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 222, 252(c)(5), 301, and 303, and Section 601(d) of the Telecommunications Act of 1996, Section 601(d), Public Law 104-104, 110 Stat. 56 (1996), a *notice of proposed rulemaking* is hereby *adopted*.

It is further ordered that comments in WT Docket No. 96-162 will be due October 3, 1996 and reply comments will be due October 24, 1996.

It is further ordered that, pursuant to Sections 1.3 and 22.19 of the Commission's Rules, 47 CFR 1.3, 22.19, all Bell Operating Companies are hereby granted a WAIVER of the provisions of Section 22.903 of the Commission's Rules, 47 CFR 22.903 with respect to the provision of cellular service outside of their in-region service areas as defined herein.

It is further ordered that, pursuant to Sections 1.3 and 22.19 of the Commission's Rules, 47 CFR §§ 1.3, 22.19, a waiver of Section 22.903 with respect to the provision of cellular service outside of their in-region service areas as defined herein, is GRANTED to Bell Atlantic NYNEX Mobile, Inc. and US West, Inc.

It is further ordered that, the Secretary shall send a copy of this *Notice of Proposed Rulemaking*, including the regulatory flexibility certification, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance

with paragraph 603(a) of the Regulatory Flexibility Act, 5 U.S.C. §§ 601 *et seq.*

List of Subjects in 47 CFR Part 22

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-22348 Filed 8-30-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-153; RM-8804]

Radio Broadcasting Services; Batesville, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Arkansas Radio Broadcasters, seeking the allotment of Channel 258A to Batesville, Arkansas, as that community's second local FM service. Coordinates used for this proposal are 35-50-28 and 91-34-45.

DATES: Comments must be filed on or before September 16, 1996, and reply comments on or before October 1, 1996.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Arkansas Radio Broadcasters, Attn: Carol B. Ingram, President, P.O. Box 73, Batesville, MS 38606.

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. 96-153, adopted May 24, 1996, and released July 26, 1996. 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 Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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 broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-22347 Filed 8-30-96; 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; Notice of Reopening of Comment Period on Proposed Threatened and Endangered Status for Seven Desert Milk-Vetch Taxa From California and Nevada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; Notice of reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of reopening of the comment period for five plants that have been proposed as endangered: Lane Mountain milk-vetch (*Astragalus jaegerianus*), Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*), Fish Slough milk-vetch (*Astragalus lentiginosus* var. *piscinensis*), Peirson's milk-vetch (*Astragalus magdalenae* var. *peirsonii*), and triple-ribbed milk-vetch (*Astragalus lentiginosus* var. *micans*); and two plants that have been proposed as threatened: shining milk-vetch (*Astragalus tricarinatus*) and Sodaville milk-vetch (*Astragalus lentiginosus* var. *sesquimetalis*). The comment period has been reopened to acquire additional information from interested parties, and to reconsider the proposed listing actions.

DATES: The public comment period closes October 18, 1996. Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: Written comments and materials concerning this proposal should be sent directly to the Field Supervisor, Ventura Field Office, 2493 Portola Road, Suite B, Ventura, California 93003. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Diane Steeck (see **ADDRESSES** section) at 805/644-1766.

SUPPLEMENTARY INFORMATION:

Background

The seven taxa included within the proposed rule occur in Inyo, Mono, Riverside, San Bernardino, and Imperial Counties within California; Mineral and Nye Counties in Nevada; and northeastern Baja California, Mexico. Like many taxa in the genus *Astragalus*, these seven taxa are endemic to habitats with specific substrate or hydrologic conditions and are, therefore, naturally limited in distribution by the availability of habitat. Five of the seven taxa occur primarily on public lands.

The seven plant taxa may be threatened by one or more of the following: off-road vehicle (ORV) use, grazing and trampling by livestock and feral burros, competition from alien plants, urban development, alteration of soil hydrology, and construction related to fisheries development. Several of the plants may also be threatened with random naturally occurring events by virtue of their small numbers and population sizes.

On May 8, 1992, the Service published a rule proposing endangered status for *Astragalus jaegerianus*, *A. lentiginosus* var. *coachellae*, *A. lentiginosus* var. *piscinensis*, *A. magdalenae* var. *peirsonii*, and *A. lentiginosus* var. *micans*; and threatened status for *A. tricarinatus* and *A. lentiginosus* var. *sesquimetralis* (57 FR 19844). The original comment period closed on July 7, 1992.

The Service was unable to make a final listing determination on these species because of a limited budget, other endangered species assignments driven by court orders, and higher listing priorities. In addition, a moratorium on listing actions (Public Law 104-6), which took affect on April 10, 1995, stipulated that no funds could be used to make final listing or critical habitat determinations. Now that limited funding has been restored and

the President has waived the moratorium on the use of appropriated funds for final listing and critical habitat determinations, the Service is proceeding with a final determination for these seven plants. This final decision, however, must address and consider any changes in the administration of desert lands since 1992, like the lands transferred from the Bureau of Land Management to the National Park Service, and any conservation efforts, like the West Mohave Conservation Plan, that may have influenced management of desert areas.

Due to the length of time that has elapsed since the close of the initial comment period, changing procedural and biological circumstances and the need to review the best scientific and commercial information available during the decision-making process, the comment period is being reopened. The Service particularly seeks information that has become available in the last four years, concerning:

- (1) Biological, commercial, or other relevant data on any threat (or lack thereof) to these species;
- (2) Additional information on the size, number, or distribution of populations; and
- (3) Whether one or more of these plant species are subject to conservation agreements or other protection instruments, and their possible impacts to such species.

Written comments may now be submitted until October 18, 1996 to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Diane Steeck (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: August 26, 1996.

Thomas Dwyer,

Acting Regional Director, Region 1.

[FR Doc. 96-22332 Filed 8-30-96; 8:45 am]

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50 CFR Part 21

Availability of a Draft Environmental Assessment on Permits for Control of Injurious Canada Geese and Request for Comments on Potential Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that a Draft Environmental Assessment on Permits for Control of Injurious Canada Geese is available for public review and announces the U.S. Fish and Wildlife Service's (hereinafter Service) intent to consider regulatory changes to the process for issuing these permits. Comments and suggestions are requested.

DATES: Written comments are requested by October 18, 1996.

ADDRESSES: Copies of the Draft Environmental Assessment can be obtained by writing to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, room 634—Arlington Square, Washington, DC 20240. Written comments can be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358-1714.

SUPPLEMENTARY INFORMATION: The Draft Environmental Assessment reviews the existing regulations governing issuance of permits to control injurious Canada geese. The Assessment was prompted by requests from States and the U. S. Department of Agriculture to improve the permit issuance process. The Assessment deals only with how permits are issued and does not address specific control measures used to control injury problems in the field. The Service's proposed action is to issue a blanket permit to State Conservation Agencies and/or the U. S. Department of Agriculture on a State-specific basis. This permit will be limited to the period March 11 through August 31 to avoid conflicts with existing hunting seasons. This approach is intended to provide a quicker response time to problem situations, allow for greater local oversight in control actions, and reduce government administrative costs and overhead related to issuance of these permits. Three alternatives, including the proposed action, are considered.

Dated: August 23, 1996

George T. Frampton, Jr.

Assistant Secretary for Fish and Wildlife and Parks

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