

petitioner, as follows: Mountain Tower Broadcasting, Attn: Victor A. Michael, Jr., President, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, WY 82001.

**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. 97-200, adopted September 3, 1997, and released September 12, 1997. 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, 1231 20th Street, NW., Washington, DC 20036.

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. 97-24933 Filed 9-18-97; 8:45 am]

BILLING CODE 6712-01-F

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 97-202, RM-9129]

#### Radio Broadcasting Services; Farmersburg, IN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Farmersburg Community Broadcasting, requesting

the allotment of Channel 242A to Farmersburg, Indiana, as that community's first local aural transmission service. Coordinates used for Channel 242A at Farmersburg are 39-15-18 and 87-23-00.

**DATES:** Comments must be filed on or before November 3, 1997, and reply comments on or before November 18, 1997.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Henry E. Crawford, Esq., Law Offices of Henry E. Crawford, 1150 Connecticut Avenue, NW., Suite 900, Washington, DC 20036.

**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. 97-202, adopted September 3, 1997, and released September 12, 1997. 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 contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

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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.*

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### DEPARTMENT OF TRANSPORTATION

#### National Highway Traffic Safety Administration

#### 49 CFR Part 571

#### Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies Mr. Herb Denenberg's petition requesting three agency rulemaking actions relating to carbon monoxide detection in motor vehicles. In addition, Mr. Denenberg requested that information regarding the availability of carbon monoxide detectors be published in the agency's press releases and consumer advisories. The petition requested that the agency take action on one or more of these actions.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chris Flanigan, Office of Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Flanigan's telephone number is: (202) 366-4918. His facsimile number is (202) 366-4329.

**SUPPLEMENTARY INFORMATION:** By letter received by the agency on March 13, 1997, Mr. Denenberg requested that: (1) Carbon monoxide detectors be required in all motor vehicles, (2) manufacturers be required to offer them as an option in all motor vehicles, and (3) manufacturers be required to include material in owner's manuals indicating the availability and value of installing a carbon monoxide detector. In addition, Mr. Denenberg requested that information regarding the availability of carbon monoxide detectors be published in the agency's press releases and consumer advisories. The petitioner asked that the agency take action on one or more of these four requests.

#### Agency Analysis

To establish a new vehicle safety specification, the agency must decide on the basis of data and analyses, that there is a significant safety problem and that the safety problem would likely be reduced by adopting that specification. To support his requests, the petitioner cites data from NHTSA's Consumer Advisory of December 16, 1996. These data (from a National Center for Health Statistics study) showed 353 fatalities occurred in 1993 as a result of accidental carbon monoxide poisoning.

The petitioner states that "many if not most of these deaths could be prevented by carbon monoxide detectors" installed in the vehicles. The petitioner did not offer any data to support this assertion.

Of the 353 fatalities, the largest portion, 35 percent, occurred in the winter months. In the spring and fall months, which can also be cold in some parts of the country, 52 percent of the fatalities occurred. Only 13 percent of the fatalities occurred in the summer months. Further, in information obtained from the Center for Disease Control, in the years 1979 through 1992, the fatality rate (fatalities per state population per 100,000 people) for carbon monoxide deaths in stationary vehicles is highest in the northern half of the country (with fatality rates ranging from 0.29 to 0.72 in most of these states). These rates drop (to between 0.00 and 0.16) in the southern half of the country.

We believe the majority of these fatalities occur in cold weather for two reasons. First, in cold weather, people may let their vehicles warm up in a garage or enclosed area to keep themselves warm. This could allow carbon monoxide to build up in these areas to fatal or injurious levels. Second, if the area around a vehicle has not been adequately cleared of snow, it could block the exhaust pipe. This could cause carbon monoxide to build up inside the vehicle and create a hazardous situation.

The first request Mr. Denenberg made was that the agency require carbon monoxide detectors in all vehicles. As stated above, we believe carbon monoxide poisoning to be primarily a cold weather problem. For this reason, we do not think it is justifiable to require that all vehicles be equipped with these detectors. A large portion of the vehicles sold in this country will rarely, if ever, be driven in cold weather. If one assumes that 15 million vehicles are manufactured in the country each year, the total cost to the industry to equip all vehicles with a detector would be substantially more than \$240 million. This is based on the estimate of \$16 per detector obtained by the petitioner from the Quantum Group, a manufacturer of carbon monoxide detectors. According to the petitioner, the Quantum Group currently sells this type of detector for between \$35 and \$60, but it estimated a cost of \$16 per detector based on the increase in production that would result from them being required on all vehicles. This cost *does not* include manufacturer installation and other costs such as manufacturer and dealer profits. The agency has found in the past that these

costs generally add about 50 percent onto the original equipment cost. These additional factors would raise the initial cost to the consumer considerably, and, for a problem which would mainly affect vehicles operating in cold climates, the agency cannot justify imposing this cost burden on the industry and consumers.

An additional consumer cost that must be considered is the lifetime maintenance of the detectors. With these detectors, the sensors need to be replaced approximately every six years. This replacement should be done by experienced personnel, so the detectors would most likely have to be returned to the manufacturer for such work. Not only would this increase the cost of the requirement, but it would reduce the effectiveness in averting deaths. Some vehicle owners will undoubtedly fail to maintain the detectors properly and will end up with inoperable or otherwise less-than-effective detectors. Because the recommended maintenance on these detectors should be done every six years, only the six newest model years in the national fleet would be assured of having fully effective detectors.

Another factor which leads the agency to believe that a detector requirement would not be effective is the age of the vehicles involved in carbon monoxide fatalities. Many of these fatalities were caused by degradation of the vehicle's interior and/or exhaust system which allowed exhaust gases to enter the passenger compartment. We believe it fair to assume that, of the vehicles which have developed this type of degradation, most will be more than six years old. As stated previously, only the six newest model years in the national fleet would be assured of having fully-effective detectors. Under this assumption, by the time vehicles begin to exhibit this type of degradation, the carbon monoxide detectors may be in need of scheduled maintenance.

Mr. Denenberg's second request was to require manufacturers to offer these detectors as an option on all vehicles. As previously stated, the agency believes that it would not be cost-effective to require carbon monoxide detectors in vehicles. For the same reason, we do not believe manufacturers should be required to offer them as an option. To require them to be offered as an option would also be costly to the industry, as vehicles would have to be redesigned to incorporate the detectors. Further, if vehicle owners wish to place a detector in their vehicles, they are not precluded from doing so.

Regarding Mr. Denenberg's request that information on these detectors be placed in owner's manuals, we do not

believe this will effectively reach all the affected parties. If the vehicle changes owners, it is possible that the owner's manual will not be included with the vehicle. In this case, the new owner would be oblivious to this information. To address the problem in a more universal manner and reach a larger portion of the affected parties, the agency began to issue annual consumer advisories about the hazards of carbon monoxide in the Fall of 1996.

These advisories alert drivers of all vehicles to the dangers of letting vehicles idle in enclosed spaces, the importance of maintaining the exhaust system, and that snow or other debris must be cleared from the exhaust area before starting the vehicle. Mr. Denenberg's final request was for NHTSA to include information about the availability and value of carbon monoxide detectors in these consumer advisories. Regarding this request, the agency will consider adding this information to the next consumer advisory on this subject.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendments requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies Mr. Denenberg's petition.

**Authority:** 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: September 16, 1997.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 97-24966 Filed 9-18-97; 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 Reclassification of Ten Candidate Taxa

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

**ACTION:** Notice of candidate taxa reclassification.

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**SUMMARY:** In this document, the U.S. Fish and Wildlife Service (Service) provides explanation for a change in the status of seven animal and three plant taxa that are under review for possible addition to the Lists of Endangered and Threatened Wildlife and Plants (Lists)