

47 CFR PART 73

[BC Docket No. 80-179; RM-3417]

FM Broadcast Station West Salem, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action dismisses a petition filed by Good News Radio, Inc., seeking the assignment of FM channel 269A to West Salem, Wisconsin. The rule making is dismissed due to a lack of expressed interest in the assignment.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (West Salem, Wisconsin); Report and Order (Proceeding Terminated).

Adopted: January 6, 1981.

Released: January 12, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rulemaking*, 45 FR 29872, adopted April 18, 1980 in response to a petition from Good News Radio, Inc. ("Good News"), which proposed the assignment of FM Channel 269A to West Salem, Wisconsin, as its second FM assignment. Good news previously filed comments stating that it is no longer interested in the assignment and asking that the Commission dismiss the rulemaking. Comments were also submitted by Everybody's Mood, Inc. ("EMI"), an applicant for a first FM station on Channel 261A in West Salem. EMI's original comments supported the assignment, but its subsequent comments indicate that EMI, like Good News, is now disinterested in the proposed assignment. EMI has become the only applicant on Channel 261A at West Salem and therefore could not apply for Channel 269A if assigned.

2. According to the Commission's procedures, a showing of continuing interest is required before a channel will be assigned. Both parties initially indicating an interest in the assignment at West Salem have now disavowed such interest. The period for filing comments in this proceeding has expired and no other party has expressed an interest in the Channel 269A assignment to West Salem.

3. In view of the foregoing, it is ordered, that the petition of Good News Radio, Inc. proposing the assignment of Channel 269A to West Salem, Wisconsin, is hereby dismissed.

4. It is further ordered, that this proceeding is terminated.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-2234 Filed 1-21-81; 8:45 am]

BILLING CODE 8712-01-M

47 CFR Part 73

[BC Docket No. 80-194; RM-3472]

FM Broadcast Station in Lawton, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action assigns a Class A FM channel to Lawton, Oklahoma, as the third assignment in response to a petition filed by Linda A. Meyer.

DATE: Effective March 3, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael McGregor, Broadcast Bureau, (202) 653-7586.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Lawton, Oklahoma); Report and order (Proceeding terminated).

Adopted: January 6, 1981.

Released: January 13, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rulemaking*, 45 FR 30094, in response to a petition filed by Linda A. Meyer ("Meyer"), proposing the assignment of FM Channel 237A to Lawton.¹ Supporting comments were filed by Meyer in which she reaffirmed her intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Lawton (population 74,300),² the seat of Commanche County (population 108,444), is located approximately 128 kilometers (80 miles) southwest of

Oklahoma City. It is currently served by two AM stations (one full-time and one daytime only) and two Class C FM stations.

3. Meyer states that Lawton is a rapidly growing community with a 1980 estimated population of 82,748. According to Meyer, the city is the home of numerous industries including the Lawton Coca-Cola Bottling Company, Lawton Manufacturing Company and Mead Foods. Fort Sill, a large military base, is located just north of the city. Meyer has submitted persuasive information with respect to Lawton and its need for a third FM assignment.

4. The assignment of Channel 237A to Lawton would cause preclusion to one community without local aural service and with a population exceeding 1,000. Walters, Oklahoma (population 2,611). However, a staff study indicates that other channels are available for assignment to Walters. The assignment of Channel 237A to Lawton involves intermixture with the two Class C FM stations presently serving Lawton. However, Meyer is willing to apply for and operate on a Class A Channel despite these competitive disadvantages. In such a situation, we are not disposed to deny the assignment based on intermixture of channels. See *Yakima*, Washington, 42 FCC 2d 548 (1973).

5. We have given careful consideration to the proposal and believe that Channel 237A should be assigned to Lawton, Oklahoma. Interest has been shown for its use and the assignment would provide the community with an opportunity for its third FM station.

6. Authority for the action taken herein is contained in §§ 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. In view of the foregoing, it is ordered, That effective March 3, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Lawton, Oklahoma, is amended to read as follows:

City	Channel No.
Lawton, Oklahoma	237A, 251, 268

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Michael A.

¹ Meyer's original proposal to assign FM Channel 285A to Lawton was modified to avoid conflict with the assignment of Channel 284 to Burburnett, Texas (BC Docket No. 79-176, RM-3357).

² Population figures are taken from the 1970 U.S. Census.

McGregor, Broadcast Bureau (202) 653-7586.

Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast
Bureau.

[FR Doc. 81-2233 Filed 1-21-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 577

[Docket No. 80-17; Notice 1]

Defect and Noncompliance Notification

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

ACTION: Final rule.

SUMMARY: This notice amends the defect and noncompliance notification regulation to require that manufacturers include the agency's toll free Auto Safety Hotline number in their defect and noncompliance notification letters. The amendment is being made to provide a means of easy access to the agency by consumers who may have complaints about the recall and remedy of their vehicles or equipment. Since it is a minor technical amendment, it is being made effective immediately without notice or opportunity for comment.

EFFECTIVE DATE: January 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Murray, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, D.C. 20590 (202-426-2840).

SUPPLEMENTARY INFORMATION: This notice makes a minor technical amendment to Part 577, *Defect and Noncompliance Notification*, to require manufacturers conducting recall campaigns to include the agency's toll free Auto Safety Hotline number in the notification letters.

Existing notification letters are required to state that a consumer may contact the agency if he or she feels that remedy of a defect or noncompliance is not being made without charge or in a reasonable time. Manufacturers also frequently include their address and a toll free number that consumers can call to complain to the manufacturer about the status of a remedy. The agency believes that the use of manufacturer toll free numbers is a good idea and has decided that the agency's toll free number should also be included in the letter. This will provide easy access for

consumers to the agency for reporting any complaints concerning the recall or remedy of their vehicles. It also will provide timely information to our Enforcement office pertaining to the compliance with our regulations by the manufacturers.

Since this is a minor technical amendment and will result in little impact upon manufacturers, the agency finds for good cause shown that it is in the interest of safety to make the amendment effective immediately without notice and opportunity for comment.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations, Part 577, *Defect and Noncompliance Notification*, is amended by revising the introductory sentence in § 577.5(g)(1)(vii) to read as follows:

§ 577.5 Notification pursuant to a manufacturer's determination.

(g) * * *

(1) * * *

(vii) A statement informing the owner that he or she may submit a complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 or call the toll free Auto Safety Hotline at 800-426-9393 (Washington D.C. area residents may call 426-0123), if the owner believes that—

The principal authors of this notice are Mr. James Murray of the Office of Defects Investigations and Roger Tilton of the Office of Chief Counsel.

(Secs. 108, 112, and 119, Pub. L. 89-563; 80 Stat. 718; Secs. 102, 103, and 104, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1397, 1401, 1408, and 1411-1420); delegation of authority at 49 CFR 1.50)

Issued on January 14, 1981.

Joan Claybrook,
Administrator.

[FR Doc. 81-2116 Filed 1-21-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1331

[Ex Parte No. 297 (Sub-No. 5)]

Motor Carrier Rate Bureaus— Implementation

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of extension of effective date of final rules and extension of date of new or amended agreements.

SUMMARY: By notice published in the *Federal Register* on December 31, (45 FR 86736), we issued final rules to govern the activities of motor carrier rate bureaus. The effective date of these rules was the *Federal Register* date of December 31, 1980. The date for filing new or amended agreements was January 19, 1981. These dates are being extended to February 2, 1981, and March 5, 1981, respectively. Cancellation of special permission authorities is rescinded and these authorities shall remain in effect until February 2, 1981.

DATE: The effective date of our final rules is now February 2, 1981. The date for filing new or amended agreements is now March 5, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7856.

SUPPLEMENTARY INFORMATION: A petition was filed on January 7, 1981, by motor carrier rate bureaus requesting a postponement of the effective date of our decision in this proceeding served December 30, 1980, and a petition was filed on January 8, 1981 by the National Association of Specialized Carriers, Inc. for a stay and/or extension of compliance date of our decision.¹ Each petition asks for a 120 day extension to April 29, 1981 in which to comply with our final rules issued in our decision.

The petitions are granted in part. First, the effective date of the final rules and standards in our decision is being extended to February 2, 1981. Our December 30, 1980 decision was made effective on publication in the *Federal Register*, December 31, 1980. (45 FR 86736). This did not comply with Section 553(d) of the Administrative Procedure Act (5 U.S.C. 553(d)) since we did not make the rules effective on at least 30 days notice nor did we find that there was good cause for departing from this notice requirement. Thus, our cancellation of special permission authorities is rescinded and these authorities shall remain in effect until February 2.

Second, we shall extend from January 19 to March 5, 1981 the period for submitting new or amended agreements in conformity with the Motor Carrier Act of 1980 as interpreted in our decision. The petitions point out that the rate bureaus are governed by bylaws that can be amended by formal procedures that require sufficient time. We believe the extension to March 5, 1981 will be adequate to allow the rate bureaus to

¹ The National Small Shipments Traffic Conference, Inc., and the Drug and Toilet Preparation Traffic Conference filed on January 9, 1981 a petition for stay pending administrative review. It is currently under consideration.

submit their amended agreements, particularly since both petitioners had previously gone through this process in submitting new agreements by October 29, 1980.

Finally, as required under 49 U.S.C. 10708(e)(2), in the period between February 2 and our approval of the new agreements, the rate bureaus must comply with the final rules and standards of our December 30 decision.

Decided: January 14, 1981.

By the Commission, Darius W. Gaskins, Jr.,
Chairman.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-2325 Filed 1-21-81; 8:45 am]

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