

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-184, adopted April 13, 1988, and released May 10, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended by revising the entry for Monticello, Arkansas, to add Channel 260A.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-11515 Filed 5-20-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-453; RM-5739]

Radio Broadcasting Services; Bremen, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 245A to Bremen, Indiana, as that community's first local FM service, in response to a petition filed on behalf of Margaret E. Karwatka. With this action, the proceeding is terminated.

DATES: Effective June 24, 1988, the window period for filing applications on Channel 245A at Bremen, Indiana, will open on June 25, 1988, and close on July 25, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530, concerning the allotment. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report

and Order, MM Docket No. 87-453, adopted April 13, 1988, and released May 10, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Indiana, by adding Bremen, Channel 245A.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-11516 Filed 5-20-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-35; RM-5596]

Radio Broadcasting Services; Ellettsville, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 286A to Ellettsville, Indiana, as that community's first local FM service, in response to a petition filed by Bruce Quinn. With this action, the proceeding is terminated.

DATES: Effective June 24, 1988. The window period for filing applications on Channel 286A at Ellettsville, Indiana, will open on June 25, 1988, and close on July 25, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530, regarding the allocation. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-35, adopted April 13, 1988, and released

May 10, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended by adding Ellettsville, Channel 286A, under Indiana.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-11517 Filed 5-20-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-508; RM-5856]

Radio Broadcasting Services; Ida Grove, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Buena Vista College, substitutes Channel 225C2 for Channel 224A at Ida Grove, Iowa, and modifies its license for Station KIDA(FM) to specify operation on the higher powered channel. Channel 225C2 can be allocated to Ida Grove in compliance with the Commission's minimum distance separation requirements and can be used at Station KIDA(FM)'s present transmitter site. The coordinates for this allotment are North Latitude 42-15-16 and West Longitude 95-23-29. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 24, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-508,

adopted April 7, 1988, and released May 10, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Iowa is amended by revising the entry for Ida Grove to delete Channel 224A and add Channel 225C2.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-11518 Filed 5-20-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-393; RM-5966; RM-6170]

Radio Broadcasting Services; Roland and Heavener, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Family Broadcasting Company, allocates Channel 222A to Roland, Oklahoma, as the community's first local FM service. Channel 222A can be allocated to Roland in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.5 kilometers (3.4 miles) north to avoid a short-spacing to the pending application for Channel 223A at Heavener, Oklahoma (ARN-871124NZ). The Commission also denies the counterproposal of Double Eagle Broadcasting Corp. to substitute Channel 223C2 for Channel 222A at Heavener, Oklahoma. With this action, this proceeding is terminated.

DATES: Effective June 24, 1988. The window period for filing applications will open on June 27, 1988, and close on July 27, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-393, adopted April 5, 1988, and released May 10, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Oklahoma is amended by adding the following entry, Roland, Channel 222A.

Federal Communications Commission.

Steve Kaminer,

*Deputy Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 88-11519 Filed 5-20-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[Docket No. 64h]

Participation by Minority Business Enterprise in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: Congress recently enacted section 105(f) of the Airport and Airway Safety and Capacity Expansion Act of 1987. This section requires the application to the Federal Aviation Administration's airport financial assistance program of the provisions of the Department's disadvantaged business enterprise (DBE) rule previously applicable only to the Federal Highway Administration's and Urban Mass Transportation Administration's programs. This rule makes this change.

DATES: This rule is effective on May 23, 1988.

FOR FURTHER INFORMATION CONTACT:

Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366-9306.

SUPPLEMENTARY INFORMATION: Congress recently passed, and the President signed, section 105(f) of the Airport and Airway Safety and Capacity Expansion Act of 1987. This provision establishes a statutory disadvantaged business enterprise (DBE) program in Federal Aviation Administration (FAA) financial assistance programs for airports. The content of the provision is taken virtually verbatim from section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Because the Department had already made changes to its DBE program regulation in response to section 106(c) (52 FR 39225; October 21, 1987), it is not necessary to make further substantive changes in the regulations as a result of the new FAA statutory provision. However, it is necessary to make technical and conforming amendments to the regulation in order to specify that Subpart D of the rule (which previously has applied only to the Department's highway and mass transit financial assistance programs) now applies to FAA recipients as well as to UMTA and FHWA recipients. This final rule makes those needed amendments.

The October 21 amendments to Part 23 have not yet appeared in the printed volumes of the Code of Federal Regulations, and many persons interested in the airport program probably were not aware of Part 23 amendments many of which, when made, pertained only to highways and mass transit. Therefore, we are providing the following summary of the October 21 amendments, which now will apply to the airport program as well:

Section 23.45 (e) and (f) were amended to require that addresses of DBE firms be listed in recipients' directories and that recipients take a number of procedural steps when certifying DBEs (on-site visits, obtaining work histories of the firm and its principal owners, interviewing the principal owners, analysis of stock ownership, analysis of bonding and financial capacity of the firm, list of equipment and licenses held by the firm and its key personnel, and a statement of the type of work the firm prefers to do).

Section 23.45(g) was amended to require a single overall and a single contract goal for DBEs (as opposed to separate goals for WBEs and DBEs).

Section 23.47(e) was amended to provide that 60 percent of the value of supplies

purchased from a DBE "regular dealer" could be counted toward DBE goals (formerly, only 20 percent could be counted). The amendment also included a definition of "regular dealer" and clarification of the "commercially useful function" concept.

Section 23.62 was amended to exclude from the definition of "small business concern" firms whose average gross annual receipts over three years exceed \$14 million and to include women in the definition of "socially and economically disadvantaged individuals".

Technical amendments and conforming changes to the explanatory material in Appendix A to Subpart D of the regulation were also made.

The Department's action is required by statute. Since the Department has no discretion in the matter, and because it is important to conform to a Congressional enactment as soon as possible, the Department is issuing this rule as a final rule, effective upon publication.

While the rule will cause recipients to make certain administrative changes in their programs (e.g., have a single DBE goal instead of separate minority and women's business enterprise goals, as in the past, and establishing a third-party challenge procedure), we do not believe that these administrative changes are likely to be unduly disruptive. For example, the same recipients who have had MBE programs will now have DBE programs. The FAA will shortly issue guidance to its grantees concerning the transition to administering their programs under Subpart D.

Another provision of the Airport and Airway Safety and Capacity Expansion Act concerns participation by DBE firms in the airport concessions business. This rule does not attempt to implement this statutory provision, which will require the development of new substantive regulations. The Department hopes to propose these new regulations for public comment along with other revisions to Part 23 which are now being reviewed within the Department.

Regulatory Process Matters

The Department has determined that this rule does not constitute a major rule under the criteria of Executive Order 12291. It is a nonsignificant rule under the Department's Regulatory Policies and Procedures. Since the regulation simply makes administrative adjustments to an existing program expressly required by statute, its economic impacts are expected to be small, and the Department has consequently not prepared a regulatory evaluation. For this reason, the Department certifies that the rule does not have a significant economic impact on a significant number of small entities.

Also, the Department certifies, in accordance with Executive Order 12612, that the rule does not have significant Federalism implications to warrant the preparation of a Federalism assessment.

The rule concerns matters under Federal grants, and hence is exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(a)(2)). In addition, the rule must be implemented rapidly, in order to ensure that the provisions apply to funds authorized by the Act, as Congress intended. For these reasons, the Department has determined that there is good cause to promulgate these portions of the rule without prior notice and comment (see 5 U.S.C. 553(b)(3)) and to make the rule effective immediately, rather than after a 30-day period (see U.S.C. 553(c)(3)).

List of Subjects in 49 CFR Part 23

Minority businesses, Highways, Mass Transportation.

Issued in Washington, DC, on May 17, 1988.

Jim Burnley,

Secretary of Transportation.

In consideration of the foregoing, the Department of Transportation amends 49 CFR Part 23 as follows:

PART 23—[AMENDED]

1. The authority citation for Part 23 is revised to read as follows:

Authority: Sec. 905 of the Regulatory Revitalization and Regulatory Reform Act of 1978 (45 U.S.C. 803); sec. 30 of the Airport and Airway Development Act of 1970, as amended; sec. 520 of the Airport and Airway Improvement Act of 1982, as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987; sec. 19 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1615); sec. 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17); sec. 105(f) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Pub. L. 100-223); Title 23 of the U.S. Code (relating to highways and traffic safety, particularly sec. 324 thereof); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); Executive Order 12265; Executive Order 12138.

2. Section 23.61(a) is amended by revising the first sentence up to the first comma to read as follows:

§ 23.61 [Amended]

(a) The purpose of this subpart is to implement section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17) and section 105(f) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Pub. L. 100-223) so that,

3. Section 23.61(b) is amended by adding the words "and section 105(f)" after the words "section 106(c)".

4. Section 23.62 is amended by revising the definition of "Act" to read as follows:

§ 23.62 [Amended]

"Act" means the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17), with respect to financial assistance programs of the FHWA and UMTA, and the Airport and Airway Safety and Capacity Expansion Act of 1987 (Pub. L. 100-223), with respect to FAA programs.

5. Section 23.63 is amended by adding a new paragraph (d), to read as follows:

§ 23.63 [Amended]

(d) Funds authorized under section Title I of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Pub. L. 100-223).

§ 23.64 [Amended]

6. Section 23.64 is amended, in paragraph (b)(2) thereof, by adding the words "or airport" after the words "urban mass transportation" and by adding the words "or FAA" after the word "UMTA".

7. Section 23.64 is amended, in paragraph (c) thereof, by substituting the words "Federal-aid highway funds, urban mass transportation funds, or airport funds" for the words "Federal-aid highway funds or urban mass transportation funds"; and, in paragraphs (c) and (e) thereof, by adding the words "or FAA" after the word "UMTA" in each instance in which the word "UMTA" occurs.

8. Section 23.64 is amended, in paragraph (e)(2), by deleting the word "or" following the words "(* * * state transportation agency)", by inserting a comma (,) at that point, and by adding, after the semicolon, the words "or, with respect to an airport sponsor, the elected official, head of the board, or other official responsible for the operation of the sponsor,".

§ 23.65 [Amended]

9. Section 23.65 is amended, in its first line, by adding the words "or FAA" following the word "UMTA".

§ 23.68 [Amended]

10. Section 23.68 is amended, in paragraph (e)(2), by adding the words "or FAA" after the word "UMTA", both times the word "UMTA" occurs.

Appendix A—[Amended]

11. The portion of Appendix A, following Subpart D, entitled "Section 23.61 Purpose" is amended by adding, before the period (.) at the end of the first sentence, the words "and section 105(f) of the Airport and Airway Safety and Capacity Expansion Act of 1987" and by adding the words "and section 105(f)" after the words "section 106(c)" in both places in the last sentence of the paragraph in which the words "section 106(c)" appear.

12. The portion of Appendix A, following Subpart D, entitled "Section 23.62 Definitions" is amended by adding before the period in the first sentence, the words "Airport and Airway Safety and Capacity Expansion Act of 1987".

13. The portion of Appendix A, following Subpart D, entitled "Section 23.62 Definitions" is amended by removing from the second sentence of the second paragraph under the title "Socially and economically disadvantaged individuals" the word "FAA" following the word "FRA" and, in the same sentence, by substituting the words "FHWA, UMTA and FAA" for the words "FHWA and UMTA".

14. The portion of Appendix A, following Subpart D, entitled "Section 23.63 Applicability," is amended, in the first paragraph, in the first sentence thereof, by substituting the words "a number of" for the word "two"; in the third and fifth sentences thereof, by adding the words "or FAA" after the word "FHWA" in both instances in which the word "FHWA" occurs; and in the fifth sentence thereof, by adding the words "or otherwise to acquire land" after the words "to acquire right-of-way".

15. The portion of Appendix A, following Subpart D, entitled "Section 23.63 Applicability," is amended by adding the following sentence to the second paragraph thereof.

The provisions of Subpart D also apply to the FAA-administered airport funds authorized by the Airport and Airway Safety and Capacity Expansion Act of 1987.

16. The portion of Appendix A, following Subpart D, entitled "Section 23.64 Submission of Overall Goals," is amended by adding the words "or FAA" after the word "UMTA" in the last

sentence of the first paragraph thereof and by adding a new sentence before the present last sentence of the first paragraph, to read as follows:

Recipients of FAA airport program funds who receive planning funds in excess of \$75,000 or more than \$250,000 (general aviation airports), \$400,000 (non-hub airports), or \$500,000 (hub airports) in FAA assistance also must submit overall goals.

17. The portion of Appendix A, following Subpart D, entitled "Section 23.64 Submission of Overall Goals," is amended by adding, in the second paragraph, the words "or FAA" after the word "UMTA", in both instances in which the word "UMTA" appears.

18. The portion of Appendix A, following Subpart D, entitled "Section 23.64 Submission of Overall Goals," is amended, in the fourth paragraph, in the first sentence, the words "or FAA" after the word "UMTA" in the first instance in which the word "UMTA" appears and by substituting for the subsequent words "UMTA and FHWA" the words "UMTA, FHWA, or FAA".

19. The portion of Appendix A, following Subpart D, entitled "Section 23.64 Submission of Overall Goals," is amended by adding, in the seventh paragraph, the second sentence thereof, the words "or airport sponsor" after the words "mass transit agency".

20. The portion of Appendix A, following Subpart D, entitled "Section 23.65 Content of Justification," is amended, in the last sentence thereof, by substituting the words "FHWA, UMTA, or FAA" for the words "FHWA and UMTA".

21. The portion of Appendix A, following Subpart D, entitled "Section 23.66 Approval and Disapproval of Overall Goals," is amended by substituting, in the third sentence thereof, the words "FHWA, UMTA or FAA" for the words "FHWA and UMTA".

22. The portion of Appendix A, following Subpart D, entitled "Section 23.68 Compliance," is amended by substituting, in the final sentence of the last paragraph thereof, the words "FHWA, UMTA or FAA" for the words "UMTA or FHWA".

[FR Doc. 88-11537 Filed 5-20-88; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 14****Humane and Healthful Transport of Wild Animals and Birds to the United States; Enforcement Policy**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of enforcement policy.

SUMMARY: The U.S. Fish and Wildlife Service announces the policy for the enforcement of Humane and Healthful Transport regulations. This policy aids affected members of the public in better understanding the regulations.

EFFECTIVE DATE: February 8, 1988.

FOR FURTHER INFORMATION CONTACT: Mary E. Monaghan, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, DC 20038-8006, telephone (202) 343-9242.

SUPPLEMENTARY INFORMATION: The Service published a final rule on November 10, 1987, (52 FR 43274) that set the standards for the humane and healthful transport of wild mammals and birds into the United States. After publication of the rule, the Service received additional comments from affected members of the public maintaining some of its provisions were not clear, were unreasonable, or could actually result in inhumane shipping conditions.

Pursuant to court order these regulations were made effective retroactively to February 8, 1988. The Service is reviewing the regulations for the purpose of making improvements and clarifications (See 53 FR 15041). During this period of review, and any subsequent proposal to amend the rule, the Service intends to enforce the provisions of the regulations in a reasonable and prudent manner.

Responsible parties are expected to comply with these regulations and insure that any wildlife is transported under humane and healthful conditions. The Service recognizes that there may be special circumstances where strict compliance with these regulations