1-month delayed effective date of final regulations. We believe this regulatory process provides adequate notice for States to anticipate proposed program changes and adequate time to implement provisions of the final rule.

Comment: One commenter believed States should be held harmless from MEQC errors if they relied on erroneous information or advice supplied by Federal agencies.

Response: We agree with the commenter. As stated in an earlier response, we have advised States that, effective October 1, 1990, we will hold them harmless from MEQC errors in situations where erroneous information is provided by a Federal agency that is the primary source of verification (e.g., Supplemental Security Income and Retirement and Survivors Disability Income benefit information from the Social Security Administration). Further, the good faith waiver process of the quality control program has always allowed States to request waivers of errors caused by erroneous information supplied by Federal officials reasonably assumed to be in a position to provide such information.

III. Conclusion

In summary, we are reaffirming our decision not to publish regulations based on the results of the quality control studies required by section 12301 of COBRA, as amended by section 1710 of the Tax Reform Act of 1986.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 93.773, Medical Assistance Programs)

Dated: June 9, 1991.

Gail Wilensky,

Administrator, Health Care Financing Administration.

Approved: October 18, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 91-30352 Filed 12-18-91; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 87-06]

Actions To Adjust or Meet Conditions Unfavorable to Shipping in the United States/Peru Trade

AGENCY: Federal Maritime Commission.

ACTION: Rescission of final rule and termination of proceeding.

SUMMARY: The Federal Maritime Commission ("Commission") published a final rule in this proceeding as 46 CFR 586.2 (1990). In response to a Motion to Terminate Proceedings and Rescind Final Rule filed by Naviera Neptuno, S.A. ("Neptuno"), the Commission is rescinding the final rule and terminating the proceeding.

EFFECTIVE DATES: December 19, 1991.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5740.

SUPPLEMENTARY INFORMATION: The Final Rule in this proceeding, issued pursuant to section 19(1)(b), of the Merchant Marine Act, 1920 ("Section 19"), 46 U.S.C. app. 876(1)(b), found conditions unfavorable to shipping to exist in the U.S./Peru trade ("Trade") as a result of the cargo reservation laws, decrees and policies of the Government of Peru ("GOP"). Decree No. 036-82-TC established the GOP cargo reservation system. Although subsequently amended by other decrees which were themselves later repealed by the GOP, Decree No. 036-82-TC remained in effect and provided the underlying basis for reservation of 50% of commercial cargo for movement on Peruvian-flag or associated vessels, thus denying access to major proportions of cargo by third-flag carriers and restricting the service and choice available to U.S. shippers. The Commission's action in this proceeding was based in large part on Decree No. 036-82-TC.

The Commission's final rule, issued on March 28, 1989, assessed a fee of $50,000 per voyage on several Peruvian-flag carriers. The effective date of the rule was, however, deferred due to political and economic conditions then-existing in Peru, brought to the Commission's attention by the Department of State ("DOS"). See 54 FR 12629 (March 28, 1989); 46 CFR 586.2.

Recent GOP Actions and the Motion

The GOP has recently acted to eliminate the cargo reservation policies and decrees which were the focus of the Commission's proceeding. Supreme Decree No. 020-91-TC, enacted July 3, 1991, cancels a number of previous Supreme Decrees, including *inter alia* Supreme Decree No. 036-82-TC. DOS informed the Commission of these enactments by a letter forwarding a July 15, 1991, Diplomatic Note from the Embassy of Peru in which the GOP suggested that the Commission review and repeal the final rule. Neptuno, a Peruvian-flag carrier subject to the rule, has filed a Motion which describes these filings and events and requests that the Commission rescind the final rule and terminate the proceeding.

Replies to the Motion

The Motion was served on all of the parties who had filed comments in earlier proceedings in this Docket. Nedlloyd Lines ("Nedlloyd") replied to the Motion. In addition, DOS sent a letter confirming that the GOP's "decrees are in effect and have eliminated all cargo preference."

Nedlloyd states that the decrees appear to be a significant and progressive step by the GOP but, nevertheless, suggests that rescission of the final rule would be premature. The basis for Nedlloyd's concern is a $100,000 penalty assessed against Nedlloyd earlier this year by the GOP for alleged violations of cargo reservation laws. Nedlloyd states that it is contesting the penalties, and that, although the GOP has taken no action to collect the penalties, they are still "pending." Nedlloyd suggests that the Commission allow a period in which to monitor GOP transition from cargo reservation by directing interested parties to report on conditions in the Trade in sixty days.

Discussion

Nedlloyed states that its asserted liability for penalties based on alleged violations of the cargo reservation scheme remains outstanding. Nedlloyd further advises, however, that this assertion of liability predates the GOP action to remove the cargo reservation scheme itself and that no enforcement efforts have been undertaken by the GOP.[1] In these circumstances, and given Nedlloyd's continuing ability to seek future action by this agency in light of changes in circumstances, we are reluctant to withhold Commission recognition of the GOP's recent actions.

The GOP enactments reflect the intention, expressed in Decree No. 020-91-TC, to "remove the restrictions affecting shipments by exporters and importers, including abolition of Reservation of Freight to promote shipping * * *." Article 1 of the Decree provides for the removal of administrative restrictions of various kinds affecting maritime shipments by

[1] The Commission, of course, would be concerned should efforts be made to belatedly enforce cargo reservation decrees which were the subject of this proceeding. While actual termination of such claims by the GOP would be welcome, the Commission will not speculate further on matters that might concern it in the future in view of the positive achievements in resolving the conditions unfavorable to shipping which were the focus of the proceeding.

exporters or importers. Article 2 abolishes reservation of freight in favor of Peruvian shipping companies, and article 3 provides for "participation of foreign shipping companies in the transport of Peruvian freight for export or import * * * on the basis of strict reciprocity." [2]

Based on the new Peruvian Decree, the Commission will grant Neptuno's Motion. It appears, indeed, that the GOP has taken concrete and positive steps to remove the conditions unfavorable to shipping in our mutual trade previously found. We therefore rescind the final rule and terminate the proceeding.[3]

List of subjects in CFR Part 586

Cargo vessels; Exports; Foreign relations; Imports; Maritime Carriers; Penalties; Rates and fares; Reporting and recordkeeping requirements.

Therefore, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b); section 10002 of the Foreign Shipping Practices Act of 1988, 46 U.S.C. app. 1710a; Reorganization Plan No. 7 of 1961, 26 FR 7315 (August 12, 1961); and 46 CFR part 585, part 586 of title 46 of the Code of Federal Regulations is amended as follows:

PART 586—ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE U.S. FOREIGN TRADE

1. The authority citation for part 586 continues to read as follows:

Authority: 46 U.S.C. app. 876(1)(b); 46 U.S.C. app. 1710a; 46 CFR part 585; Reorganization Plan No. 7 of 1961, 26 FR 7315 (August 12, 1961).

§ 586.2 [Removed]

2. Section 586.2 is removed.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91-30227 Filed 12-18-91; 8:45 am]

BILLING CODE 6730-01-M

[2] Thus, access by non-Peruvian flag carriers will be limited only by denial of access to Peruvian shipping companies to the freight generated in the country of origin of the foreign vessels in question. We note, however, that this proceeding was instituted as a result of concerns of U.S. shippers and shippers' organizations that their access to shipping services was adversely affected by GOP cargo reservation policies and decrees. Among the third-flag carriers affected were Chilean-flag carriers prominent in the movement of refrigerated cargoes. The exclusion of the Chilean-flag carriers arose in the context of a dispute over mutual access to Chilean cargoes by Peruvian-flag carriers. In promulgating its first final rule in this proceeding, 52 FR 46356 (December 7, 1987), the Commission advised that it could not accept as satisfactory a resolution of the matter which incorporated the proposition that regional disputes may be resolved by imposing burdens on U.S. commerce. In effect, the Commission warned, this would allow the GOP to hold the U.S.-Peru trade hostage to obtain concessions elsewhere. We remain committed to the principles earlier enunciated. While it is possible that the language of Article 3 might encompass such an approach to regional problems in the future, a determination to that effect would be speculative at this point. Accordingly, we see no reason in the present context to delay action on the Motion.

[3] This action is, of course, without prejudice to the initiation of further proceedings either on our motion or at the request of any affected third party, should conditions in the Trade warrant.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 90

[PR Docket No. 90-481; FCC 91-339]

Construction, Licensing, and Operation of Private Land Mobile Radio Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Report and Order modifying and clarifying its rules and policies with regard to station construction, station operation, the discontinuance of station operations, license renewal and license reinstatement in the Private Land Mobile Radio Services. The Report and Order also implements a "finder's preference" program to give a dispositive licensing preference to persons that identify licensees that are not in compliance with the Commission's construction and operation rules.

EFFECTIVE DATE: All rules adopted in this proceeding are effective January 21, 1992.

FOR FURTHER INFORMATION CONTACT: Martin Liebman or Rosalind Allen, 202-634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 90-481, FCC 91-339, adopted October 24, 1991, and released November 21, 1991. The full text of this Report and Order 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 may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, telephone (202) 452-1422.

Summary of Report and Order

1. In the Report and Order in PR Docket No. 90-481, the Commission modifies and clarifies various compliance and licensing rules in the Private Land Mobile Radio Services.

2. First, we clarify our rules regarding the construction and operation of private land mobile radio services. We indicate that the construction of base stations must be in substantial accordance with the parameters specified in a station authorization and that in order to be considered "placed-in-operation", a conventional system must place at least one mobile and one base station in operation by the required deadline, and a trunked system must place at least two mobiles (or a mobile and a control station) and a base station in operation by the required, one-year construction/operation deadline.

3. Second, we clarify our rules regarding the automatic cancellation of licenses. We indicate that license cancel automatically if the licensee permanently discontinues operations for a period of one year or more.

4. Third, we reduce the time period in which a licensee can file for reinstatement and late renewal of an expired license from 180 days to 30 days. Additionally, to make it easier for licensees to file such reinstatement/late renewals, we will permit licensees to file these applications on Forms 574-R and 405-A, as well as the currently required Form 574.

5. Fourth, we establish a new "two-month" database-deletion policy to make frequencies encumbered by expired licenses available for reassignment more rapidly.

6. Finally, we establish a finder's preference program to give an incentive to individuals to assist us in recovering unused channels. Those individuals that provide us with information regarding licensee violations leading to our recovery of channels will be given a dispositive preference to become licensed on the recovered channels.

7. The Report and Order indicates that a preference may only be awarded for the identification of violations of our construction and operation rules and that the preference may only apply to channels that are licensed on an exclusive basis.

8. The Report and Order also provides the procedures that must be followed in filing a finder's preference request and the information that each request must contain.

9. Finally, we indicate that we will deal seriously with any individual that abuses this program or our process, and that such abuse could result in license revocation, monetary forfeiture or possible criminal prosecution.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, a final regulatory flexibility analysis has been prepared and is available for public review as part of the full text of this item. The text is available for inspection and copying during normal business hours in the FCC, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch (room 5202), 2025 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452–1422.

Paperwork Reduction

The collection of information requirement contained in Rule 90.173(k) has been approved by OMB under Section 3504(h) of the Paperwork Reduction Act. Copies of the submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452–1422. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden may be sent to the Federal Communications Commission, Office of the Managing Director, Paperwork Reduction Project, OMB Control Number 3060–0461, Washington, DC 20554, or to the Office of Management and Budget, Paperwork Reduction Project, OMB Control Number 3060–0461, Washington, DC 20503.

OMB Number: 3060–0461

Title: 47 CFR 90.173(k), Construction, Licensing and Operation of Private Land Mobile Radio Stations (Notice of Proposed Rule Making in PR Docket No. 90–481).

Action: New collection.

Respondents: Businesses (including small businesses), non-profit institutions, local governments.

Estimated Annual Burden: 200 responses; 4.5 hours average burden per response; 900 hours total burden.

Needs and Uses: Persons who provide the Commission with information regarding the violation of certain construction and operation Rules would be granted a licensing preference for any channels recovered as a result of that information. This will aid the Commission's compliance program and make effective use of scarce radio spectrum.

List of Subjects

47 CFR Part 1

Radio.

47 CFR Part 90

Private land mobile radio services, Radio, Station applications and authorizations.

Amendatory Text

47 CFR Parts 1 and 90 are amended as follows:

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

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. 47 CFR 1.926 is amended by adding a new paragraph (c) to read as follows:

§ 1.926 Application for renewal of license.

* * * * *

(c) Reinstatement of an expired license in the Private Land Mobile Radio Services may be requested up to thirty (30) days after the expiration date using FCC Form 574, 574–R or 405–A. See § 1.4.

3. 47 CFR 1.1102 is amended by adding a new paragraph (14) and a new Note D to read as follows:

§ 1.1102 Schedule of charges for private radio service.

Action	FCC form No.	Fee amount	Fee type code	Address
*	*	*	*	*
14. Finder's preference requests (see Note D below).	Corresp. FCC 155	105	PDX	Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251–5305.

* * * * *

Notes: D. The fee for a Finder's Preference Request is $105 per channel.

4. The authority citation for part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

5. 47 CFR 90.119 is amended by adding new paragraph (a)(5) and by revising paragraphs (e)(1) and (h) to read as follows:

§ 90.119 Application forms.

(a) * * *

(5) For reinstatement of an expired license. See also paragraphs (e)(1) and (h) of this section.

* * * * *

(e) * * *

(1) Apply for license renewal (if the reinstatement of renewal does not involve the modification of the station or system license) when the licensee has not received renewal Form 574–R in the mail from the Commission within sixty (60) days of license expiration, and may be used to apply for reinstatement of an expired license (if the reinstatement does not involve the modification of the station or system license).

* * * * *

(h) Form 574–R shall be used to apply for a renewal of an existing authorization and may be used to apply for reinstatement of an expired license, if the renewal or reinstatement does not involve the modification of the station or system license. (Form 574–R is generated by the Commission and is mailed to the licensee prior to the expiration of the license term).

6. 47 CFR 90.127 is amended by adding a last sentence to paragraph (b) to read as follows:

§ 90.127 Submission and filing of applications.

* * * * *

(b) * * * Application for license reinstatement must be filed no later than thirty (30) days after the expiration date of the license. See § 1.4 of this chapter.

* * * * *

7. 47 CFR 90.149 is amended by revising paragraph (a), by redesignating paragraph (c) as paragraph (d), by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b), to read as follows:

§ 90.149 License term.

(a) Licenses for stations authorized under this part will be issued for a term not to exceed five years from the date of the original issuance, modification or renewal, provided however that licensees have an additional thirty (30) days to apply for reinstatement of expired licenses.

(b) If no application for reinstatement has been filed as specified in this Part, the authorization shall be deemed to have been automatically cancelled on the date specified on the authorization.

* * * * *

8. 47 CFR 90.155 is amended by revising paragraph (a) and adding new paragraph (c) to read as follows:

§ 90.155 Time in which station must be placed in operation.

(a) All stations authorized under this part, except as provided in paragraph (b) of this section and in §§ 90.629 and 90.631(f), must be placed in operation within eight (8) months from the date of grant or the authorization cancels automatically and must be returned to the Commission.

* * * * *

(c) For purposes of this section, a base station is not considered to be placed in operation unless at least one associated mobile station is also placed in operation. See also §§ 90.633(d) and 90.631(f).

9. 47 CFR 90.157 is amended by revising paragraph (a), by removing paragraph (b) and by redesignating paragraph (c) as new paragraph (b) to read as follows:

§ 90.157 Discontinuance of station operation.

(a) The license for a station shall cancel automatically upon permanent discontinuance of operations and the licensee shall forward the station license to the Commission. Alternatively, the licensee may notify the Commission of the discontinuance of operations of a station by checking the appropriate box on Form 574–R or Form 405–A and requesting license cancellation. Notification of discontinued operation or cancellation shall be sent to: Federal Communications Commission, Gettysburg, PA 17326.

* * * * *

10. 47 CFR 90.173 is amended by adding a new paragraph (k) to read as follows:

§ 90.173 Policies governing the assignment of frequencies.

* * * * *

(k) Notwithstanding any other provisions of this Part, any eligible person may seek a dispositive preference for an exclusive channel assignment in the 220–222 MHz, 470–512 MHz, and 800/900 MHz bands by submitting information that ultimately leads to the recovery of frequencies in these bands. Recovery of such frequencies will come about as a result of information provided regarding the failure of existing licensees to comply with various provisions of §§ 90.155, 90.157, 90.629, 90.631(e) or (f), or 90.633(c) or (d). Preferences will not apply to instances where the targeted channels are those encompassed by the National Plan for Public Safety (the 821–824/866–869 MHz channels) or any Regional Public Safety Plans—unless the requested preference is accompanied by a written statement from the relevant Regional Public Safety Planning Committee indicating that the request is not inconsistent with the Region's Public Safety Plan. The dispositive preference provided for in this paragraph also may be awarded to any person who arranges for an existing licensee to voluntarily request license cancellation because the licensee anticipates that it will be unable to timely construct and place its licensed facilities in operation. See §§ 90.155, 90.629, 90.631 (e) and (f), 90.633 (c) and (d). In the instance of such consensual preferences, both finder and licensee must certify that they have neither given nor received any direct or indirect compensation in connection with the requested license cancellation, and the finder will assume the former licensee's deadline for constructing and placing the licensed facility in operation.

(1) Eligibility for preference—The recipient of a finder's preference must be eligible to be a licensee in the private land mobile services and eligible to be licensed for the channels targeted by the finder's request on either a primary basis or through intercategory sharing—except a finder's preference for occupied channels in the 800 MHz Public Safety Category shall only be available to Public Safety Category eligibles.

(2) Timeliness of finder's request—A preference based on a construction or placed-in-operation violation will not be acceptable for filing until 180 days after the construction deadline of the target licensee. The preference shall not apply to any case scheduled for regular review during the Private Radio Bureau's normal compliance activities or to any case under Commission review or investigation. An applicant that files a timely request for a finder's preference that results in channel recovery, and that also timely submits an application in a form acceptable for filing, will receive a dispositive preference for the recovered channel(s). Where more than one applicant obtains a preference for the same channel(s), we will grant the license to operate on the channel(s) to one of these applicants through our random selection procedures. See § 1.972 of this chapter.

(3) Contents of request—The finder's preference request shall be mailed to the following address: Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251–5305. See § 1.1102(14) of this chapter. The request shall contain detailed information to establish a *prima facie* violation, including: the name and address of the licensee allegedly violating the applicable rules; the licensee's call sign, frequencies and location of the licensed facility; the Commission Rule(s) that the licensee is allegedly violating, including the dates or benchmarks the licensee has failed to meet; and a detailed statement as to the specific basis for the applicant's knowledge that the licensee is violating the rules specified in this section. General and conclusory statements shall result in the summary dismissal of any such request. All preference requests shall be in the form of a sworn affidavit or a declaration dated and subscribed by the person as true under penalty of perjury as set forth in § 1.16 of this chapter. All preference requests shall certify that a complete copy of the preference request has been served on the target licensee. See § 1.47 of this chapter.

11. 47 CFR 90.175 is amended by revising the introductory paragraph to the section and by adding a new paragraph (f)(15) to read as follows:

§ 90.175 Frequency coordination requirements.

Except for applications listed in paragraph (f) of this section, each application for a new frequency assignment, for a change in existing facilities as listed in § 90.135(a), or for operation at temporary locations in accordance with § 90.137, must include a showing of frequency coordination as set forth below. An application to reinstate a license expired for more than thirty (30) days will be considered as a request for a new frequency assignment. When frequencies are shared by more than one service, concurrence must be obtained from the other applicable certified coordinators.

* * * * *

(f) * * *

(15) Applications timely-filed by recipients of a finder's preference, where the applicant intends to operate at the same site location, and with the same technical parameters as the prior licensee.

12. 47 CFR 90.611 is amended by revising paragraph (d) to read as follows:

§ 90.611 Processing of applications.

* * * * *

(d) Applications for channels in the SMR category that cannot be granted

due to a lack of available channels in a particular area will be placed on a waiting list for that area. Waiting lists will consist of two groups. The first group will be comprised of applications from existing licensees who, in the area corresponding to the particular waiting list, operate trunked systems with 70 or more mobile units per channel. The second group will be comprised of applications to establish new systems or to obtain additional channels for conventional systems. Applications will be placed in the appropriate group according to filing dates, with the earliest date receiving the highest ranking. All applications in the first group will receive priority over any application in the second group regardless of filing date. When channels become available as a result of either the Commission's compliance activities, a licensee's voluntary and independent request for license cancellation, or failure by the recipient of a finder's preference to timely submit an application in a form acceptable for filing, the highest ranking application(s) will be granted based on the site specified and the Commission's mileage separation standards. An applicant filing a timely request for a finder's preference that results in the recovery of SMR category channels, and that also timely submits an application in a form acceptable for filing, will receive a dispositive preference for those channels over the highest ranking application(s). Where more than one applicant obtains a preference for the same channel(s), we will grant the license to operate on the channel(s) to one of these applicants through our random selection procedures. See § 1.972 of this chapter. Trunked systems that have had authorized channels cancelled due to failure to meet the loading requirements in § 90.631 will not be permitted on the waiting list for a period of six months from the date of the issuance of the superseding license.

* * * * *

13. 47 CFR 90.631 is amended by adding a last sentence to paragraph (f) to read as follows:

§ 90.631 Trunked systems loading, construction and authorization requirements.

* * * * *

(f) * * * For purposes of this section, a base station is not considered to be placed in operation unless at least two associated mobile stations, or one control station and one mobile station, are also placed in operation.

* * * * *

14. 47 CFR 90.633 is amended by revising paragraph (d) to read as follows:

§ 90.633 Conventional systems loading requirements.

* * * * *

(d) If a station is not placed in operation in eight months, except as provided in § 90.629, its license cancels automatically and must be returned to the Commission. For purposes of this section, a base station is not considered to be placed in operation unless at least one associated mobile station is also placed in operation.

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-30048 Filed 12-18-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 91-238; RM-7691]

Radio Broadcasting Services; Colfax, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Dakota Communications, substitutes Channel 273C3 for Channel 272A at Colfax, Washington, and modifies its construction permit for Station KRAO accordingly. See 56 FR 41812, August 23, 1991. Channel 273C3 can be allotted to Colfax in compliance with the Commission's minimum distance separation requirements at the petitioner's requested site without the imposition of a site restriction. The coordinates for Channel 273C3 at Colfax are North Latitute 46-51-43 and West Longitude 117-10-26. Since Colfax is located within 320 kilometers (200 Miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained With this action, this proceeding is terminated.

EFFECTIVE DATE: January 27, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-238, adopted December 6, 1991, and released December 13, 1991. 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, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73.

Radio Broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 contunues to read as follows:

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 272A and adding Channel 273C3 at Colfax.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-30211 Filed 12-18-91; 8:45 am]

BILLING CODE 6712-01-M