

**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 under Georgia, is amended by adding Channel 298A, LaFayette.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-30724 Filed 12-24-91, 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 90-284; RM-7224, RM-7301, RM-7487]

**Radio Broadcasting Services; New Sharon and Albia, Iowa, and Memphis, Missouri**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of First Christian Reformed Church, allots Channel 260C3 at New Sharon, Iowa, as its first local FM transmission service (RM-7224). We also allot, as requested by H&H Broadcasting Corporation, Channel 244C3 at Albia, Iowa, as its first local FM transmission service. In order to allot Channel 144C3 at Albia, we will also change Station KMEM(FM), Memphis, Missouri, from Channel 244A to Channel 263A (RM-7487). See 55 FR 23953, June 13, 1990. See Supplementary Information, *infra*.

**DATES:** Effective February 3, 1992. The window period for filing applications for Channel 260C3 at New Sharon, Iowa, and Channel 244C3 at Albia, Iowa, will open on February 4, 1992, and close on March 5, 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. 90-284, adopted December 10, 1991, and released December 19, 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.

Channel 260C3 can be allotted to New Sharon in compliance with the Commission's minimum distance separation requirements with a site restriction of 17.4 kilometers (10.8 miles) south to avoid short-spacings to the construction permit for Station KFMH, Channel 259C1, Muscatine, Iowa, and Station KLYF, Channel 262C, Des Moines, Iowa. The coordinates for Channel 260C3 at New Sharon are North Latitude 41-18-49 and West Longitude 92-40-20. Channel 244C3 can be allotted to Albia without the imposition of a site restriction. The coordinates for Channel 244C3 at Albia are North Latitude 41-01-42 and West Longitude 92-48-12. Channel 263A can be allotted to Memphis at Station KMEM(FM)'s licensed site. The coordinates for Channel 263A at Memphis are North Latitude 40-29-59 and West Longitude 92-09-58. With this action, this proceeding is terminated.

**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 under Iowa, is amended by adding Channel 244C3, Albia and Channel 260C3, New Sharon.

3. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 244A and adding Channel 263A at Memphis.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-30725 Filed 12-24-91, 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 91-279; RM-7808]

**Radio Broadcasting Services; Belle Plaine, KS**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document allots Channel 224C3 to Belle Plaine, Kansas, in response to a petition filed by Belle Plaine Broadcasters, Inc. See 56 FR

50547, October 7, 1991. The coordinates for Channel 224C3 are 37-20-15 and 97-27-56. There is a site restriction 17.5 kilometers (10.9 miles) southwest of the community. With this action, this proceeding is terminated.

**DATES:** Effective February 3, 1992. The window period for filing applications will open on February 4, 1992, and close on March 5, 1992.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 91-279, adopted December 11, 1991, and released December 19, 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, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

**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 under Kansas, is amended by adding Channel 224C3, Belle Plaine.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-30726 Filed 12-24-91, 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 91-278; RM-7809]

**Radio Broadcasting Services; Minneapolis, KS**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document substitutes Channel 224C2 for Channel 224A at Minneapolis, Kansas, and modifies the construction permit for Station WILS to specify operation on the higher class channel, in response to a petition filed by Belinda S. Ohlemeier. See 56 FR

50548, October 7, 1991. The coordinates for Channel 224C2 at Minneapolis are 39-00-52 and 97-37-42. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** February 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 91-278, adopted December 11, 1991, and released December 19, 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, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

#### 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 under Kansas, is amended by removing Channel 224A and adding Channel 224C2 at Minneapolis.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-30727 Filed 12-24-91; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-508; RM-6975; RM-7268]

#### Radio Broadcasting Services; Gilchrist and Crystal Beach, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document dismisses a petition for rule making (RM-6975) filed by James Owens, d/b/a Gilchrist Community Broadcasting ("CCB"), to allot Channel 268C3 to Gilchrist, Texas, because neither GCB nor any other party filed a continuing expression of interest as required by the Notice of Proposed Rule Making. See 46 FR 46852, November 24, 1989. This document also grants a counterproposal filed by

Harbor Broadcasting to allot Channel 268C3 to Crystal Beach, Texas, as its first local service. The coordinates for the Crystal Beach allotment are 29-30-25 and 94-30-17. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** February 3, 1992. The window period for filing applications for Channel 268C3 at Crystal Beach will open on February 4, 1992, and close on March 5, 1992.

**FOR FURTHER INFORMATION, CONTACT:** Belford V. Lawson, III, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-508, adopted December 11, 1991, and released December 19, 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 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 under Texas, is amended by adding Channel 268C3, Crystal Beach.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91-30728 Filed 12-24-91; 8:45 am]

BILLING CODE 6712-01-M

#### DEPARTMENT OF TRANSPORTATION

#### Federal Railroad Administration

#### 49 CFR Part 209

[FRA Docket No. RSEP-6, Notice No. 3]

RIN 2130-AA49

#### Amendment to Railroad Safety Enforcement Procedures; Approval of Information Collection Requirements

**AGENCY:** Federal Railroad Administration (FRA), DOT.

**ACTION:** Final rule.

**SUMMARY:** FRA is amending its railroad safety enforcement regulations (49 CFR part 209) to reflect the Office of Management and Budget's approval of information collection requirements.

**EFFECTIVE DATE:** This final rule will be effective December 26, 1991.

**FOR FURTHER INFORMATION CONTACT:** Gloria Swanson, Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-4345.

**SUPPLEMENTARY INFORMATION:** On October 18, 1989, FRA issued a final rule notice amending 49 CFR part 209, entitled "Railroad Safety Enforcement Procedures," by revising "Subpart A—General" and adding a new "Subpart D—Disqualification Procedures" prescribing procedures for disqualifying railroad employees, including managers, supervisors, and other agents from performing safety-sensitive functions in the rail industry (54 FR 42894, 1989). Since publication of the rule in the *Federal Register*, the Office of Management and Budget (OMB) has approved the information collection requirements of the rule (49 CFR 209.331) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This document provides notice of OMB approval of the information collection requirements and amends 49 CFR part 209 to reflect the approval of information gathering requirements contained in that part.

#### Regulatory Impact

##### *E.O. 12291 and DOT Regulatory Policies and Procedures*

This rule has been evaluated in accordance with existing policies and procedures, and is considered to be non-major under Executive Order 12291 and not significant under DOT policies and procedures (44 FR 11034, February 26, 1979).

##### *Regulatory Flexibility Act*

FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities. There are no direct or indirect economic impacts for small units of government, businesses, or other organizations.

##### *Paperwork Reduction Act*

The rule does not contain information collection requirements.

##### *Environmental Impact*

FRA has evaluated these regulations in accordance with its procedures for ensuring full consideration of the potential environmental impacts of FRA actions, as required by the National Environmental Policy Act and related

directives. This notice meets the criteria that establish this as a non-major action for environmental purposes.

#### Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 49 CFR Part 209

Railroad safety, Railroad safety enforcement procedures.

#### The Final Rule

In consideration of the foregoing, part 209, title 49, Code of Federal Regulations is amended as follows:

#### PART 209—[AMENDED]

1. The authority citation for part 209 continues to read as follows:

**Authority:** 45 U.S.C. 6, 10 and 13, as amended; 45 U.S.C. 34, as amended; 45 U.S.C. 43, as amended; 45 U.S.C. 64a, as amended; 45 U.S.C. 431, 437, 438, and 439, as amended; 49 U.S.C. 103(c); 49 app. U.S.C. 26(h), as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100-342; and 49 CFR 1.49 (c), (d), (f), (g), and (m).

Subparts B and C also issued under 49 app. U.S.C. 1802, 1804, 1808, 1809, and 1810; and 49 CFR 1.49(s).

#### Subpart D—Disqualification Procedures

2. Subpart D is amended by adding a new § 209.337 to read as follows:

##### § 209.337 Information collection.

The information collection requirements in § 209.331 of this part have been reviewed by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2130-0529.

Issued in Washington, DC on December 19, 1991.

Gilbert E. Carmichael,

Federal Railroad Administrator.

[FR Doc. 91-30750 Filed 12-24-91, 8:45 am]

BILLING CODE 4910-06-M

#### 49 CFR Parts 229, 230, 231, and 232

[FRA Docket No. RSEP-6, Notice No. 4]  
RIN 2130-AA67

#### Amendment to Railroad Safety Regulations

**AGENCY:** Federal Railroad Administration (FRA), DOT.

**ACTION:** Final rule.

**SUMMARY:** FRA is amending its railroad safety regulations to ensure that the full range of its enforcement authority is available to address violations of all of the regulations it enforces under the Federal Railroad Safety Act of 1970 or the older safety statutes. This final rule clarifies FRA's authority to bring a non-emergency disqualification action under section 209(f) of the Safety Act for violations of the locomotive, safety appliance, and/or power brake regulations.

**DATES:** The final rule will become effective January 27, 1992.

**FOR FURTHER INFORMATION CONTACT:** Daniel C. Smith, Deputy Assistant Chief Counsel for Safety, FRA, Washington, DC 20590 (Telephone 202-366-0628).

**SUPPLEMENTARY INFORMATION:** Section 3 of the Rail Safety Improvement Act of 1988 ("RSIA") (Pub. L. No. 100-342) added a new section 209(f) to the Federal Railroad Safety Act of 1970 ("Safety Act") (45 U.S.C. 438(f)), which authorizes the Secretary of Transportation, after notice and an opportunity for a hearing, to disqualify an individual from safety-sensitive service in the railroad industry where that individual's violation of any rule or order prescribed "under this title" is shown to make that individual unfit for such service. When FRA issued its procedures for disqualification proceedings, it construed "this title" to mean title 45 of the United States Code. See 54 FR 42894-95 (October 18, 1989). However, it is also possible to read "this title" as referring only to the Safety Act, not all of title 45. Under that reading, the disqualification authority under section 209(f) of the Safety Act would be available only in connection with violations of a rule or order issued under the Safety Act.

Section 202(a) of the Safety Act, 45 U.S.C. 431(a), provides the Secretary with the authority to issue rules or orders covering all areas of railroad safety "supplementing provisions of law and regulations in effect on the date of enactment of this title." The laws in

effect when the Safety Act was enacted in 1970, referred to here collectively as the "older safety laws," included the Safety Appliance Acts, 45 U.S.C. 1-14, 16; the Locomotive Inspection Act, 45 U.S.C. 22-34; the Accident Reports Act, 45 U.S.C. 38-43; the Hours of Service Act, 45 U.S.C. 61-64b; and the Signal Inspection Act, 49 app. U.S.C. 26.

FRA has issued the great majority of its safety regulations under the authority of the Safety Act (e.g., the Track Safety Standards, 49 CFR part 213) or the joint authority of the Safety Act and one of the older laws (e.g., the accident reporting regulations at 49 CFR part 225). However, there are four bodies of regulation that have thus far been issued only under the authority of one of the older safety laws: The Locomotive Safety Standards, 49 CFR part 229; the standards for inspection of steam locomotives, 49 CFR part 230; the Safety Appliance Standards, 49 CFR part 231; and the regulations on power brakes, 49 CFR part 232.

Therefore, in order to ensure that the disqualification authority under section 209(f) of the Safety Act is available for violations of those four regulatory parts, it is necessary to reissue them under the joint authority of the Safety Act and the older safety law under which they were previously issued. This is accomplished by a simple technical amendment to the authority sections of the four parts. In this way, FRA uses its Safety Act regulatory authority to supplement the older safety laws by making sure that the full range of Safety Act enforcement authority is available for violations of those older laws and regulations previously issued under them.

This final rule will eliminate the potential for the anomalous situation in which violations of the freight car safety standards (issued under the Safety Act) could provide the basis for disqualification, while violations of the locomotive, safety appliance, or power brake regulations—even if present on the same cars or trains as the freight car safety standards violations—would (assuming "this title" means the Safety Act) not provide the basis for disqualification under section 209(f) of the Safety Act. Of course, even if "this title" does limit section 209(f) disqualification actions to violations of regulations or orders issued under the Safety Act, section 209(f) specifically preserves FRA's authority to disqualify an individual on an emergency basis under section 203 of the Safety Act, which is in no way limited to violations of Safety Act regulations or orders. Therefore, this final rule merely clarifies FRA's authority to bring a non-

emergency disqualification action under section 209(f) of the Safety Act for violations of the locomotive, safety appliance, and/or power brake regulations. The rule makes one other minor change: It deletes from part 231 an appendix that was inadvertently not deleted when a substitute appendix was issued in 1988.

Congress envisioned in 1970 that such exercises of joint authority under the Safety Act and the older laws would be necessary. H.R. Rep. No. 91-1194, 91st Cong., 2d Sess. at 16 (1970). Moreover, it is clear that Congress, in providing FRA with disqualification authority under section 209(f) in 1988, intended that authority be available to address violations of all of the federal railroad safety regulations. See, e.g., 134 Cong. Rec. H3468 (daily ed. May 23, 1988) (remarks of Cong. Luken).

#### Public Participation

In taking this action, FRA is not exercising its regulatory authority in a manner that could be informed by public comment. There are no substantive choices to be made. Instead, this is a technical amendment that is being accomplished merely by adding a citation to the Safety Act to the authority citations of four parts of the CFR. Accordingly, notice and comment procedures are "impracticable, unnecessary, or contrary to the public interest" within the meaning of section 4(a)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B).

#### Regulatory Impact

##### *E.O. 12291 and DOT Regulatory Policies and Procedures*

This final rule has been evaluated in accordance with existing policies and procedures. It is considered to be non-major under Executive Order 12291 and non-significant under the DOT policies and procedures. (44 FR 11034; February 26, 1979.)

This rule will not have any direct or indirect economic impact because it does not alter any existing substantive or procedural regulation in such a way as to impose additional burdens. The cost of complying with existing substantive regulations is not being increased. The rule merely clarifies the applicability of FRA's disqualification authority to certain types of regulatory violations. Accordingly, preparation of a regulatory evaluation is not warranted.

##### *Regulatory Flexibility Act*

FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities. There are no direct or indirect economic

impacts for small units of government, businesses, or other organizations. State rail agencies remain free to participate in the enforcement of FRA's rules but are not required to do so.

##### *Paperwork Reduction Act*

There are no information collection requirements contained in this rule.

##### *Environmental Impact*

FRA has evaluated this rule in accordance with its procedures for ensuring full consideration of the potential environmental impacts of FRA actions, as required by the National Environmental Policy Act and related directives. This notice meets the criteria that establish this as a non-major action for environmental purposes.

##### *Federalism Implications*

This rule will not have a substantial effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

#### List of Subjects in 49 CFR Parts 229, 230, 231 and 232

##### Railroad safety.

Therefore, in consideration of the foregoing, parts 229, 231, and 232, title 49 Code of Federal Regulations are amended as follows:

#### PART 229—[AMENDED]

##### 1. Part 229 is amended as follows:

A. The authority citation for part 229 is revised to read as follows:

Authority: 45 U.S.C. 22-34, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100-342; and 49 CFR 1.49(c), (g), and (m).

#### PART 230—[AMENDED]

##### 2. Part 230 is amended as follows:

A. The authority citation for part 230 is revised to read as follows:

Authority: 45 U.S.C. 22-34, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100-342; and 49 CFR 1.49(c), (g), and (m).

#### PART 231—[AMENDED]

##### 3. Part 231 is amended as follows:

A. The authority citation for part 231 is revised to read as follows:

Authority: 45 U.S.C. 2, 4, 6, 8, 10, and 11-14, 16, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100-342; and 49 CFR 1.49(c), (g), and (m).

B. The first appendix A, which is identified by the citation to its source (53 FR 28602, July 28, 1988) that appears just below it, is removed.

#### PART 232—[AMENDED]

##### 4. Part 232 is amended as follows:

A. The authority citation for part 232 is revised to read as follows:

Authority: 45 U.S.C. 1, 3, 5, 6, 8-12, and 16, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100-342; and 49 CFR 1.49(c), (g), and (m).

Issued in Washington, DC, on December 19, 1991.

Gilbert E. Carmichael,

Federal Railroad Administrator.

[FR Doc. 91-30751 Filed 12-24-91; 8:45 am]

BILLING CODE 4910-06-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1033

[Ex Parte No. 334 (Sub-No. 8)]

#### Joint Petition for Rulemaking on Railroad Car Hire Compensation

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

**SUMMARY:** The Commission is adopting a final rule allowing railroads to enter into bilateral agreements concerning car hire terms. This will help to encourage efficient use of freight cars and alleviate problems with the existing car hire system. The text of the final rule is set forth below.

**EFFECTIVE DATE:** This rule is effective January 25, 1992.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar (202-927-5660) [TDD for hearing impaired: 202-927-5721].

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

#### List of Subjects in 49 CFR Part 1033

Railroads.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Our action will not have a significant impact on a substantial number of small