

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MM Docket No. 90-214; RM-7101 and RM-7226]

**Radio Broadcasting Services; Homerville, Lakeland, and Statenville, GA****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** The Commission affirms the grant of the rulemaking petition (RM-7226) of Lakeland Broadcasters, Inc., permittee of a station authorized to operate on Channel 290A, Lakeland, Georgia, requesting an upgrade from a Class A to a Class C3 channel. See *Memorandum Opinion and Order* 58 FR 26918, May 6, 1993. In so doing, the Commission denies the petition for reconsideration of La Taurus Productions, Inc. and dismisses as moot the petition for reconsideration filed by Southland Radio, Inc.

**EFFECTIVE DATE:** July 5, 1996.**FOR FURTHER INFORMATION CONTACT:** Paul R. Gordon, Mass Media Bureau, (202) 418-2130.

**SUPPLEMENTARY INFORMATION:** The Commission declined to reconsider the allotment of Channel 248A to Statenville, Georgia, as that community's first local transmission service, and the upgrade of Channel 290A in Lakeland, Georgia, to Channel 290C3. Channel 248B can be allotted to Statenville in compliance with the Commission's requirements for minimum station distance separations with a site restricted to 16.0 kilometers (9.9 miles) northeast of Statenville, at reference coordinates 30, 46, 24 North, 82, 52, 50 West. With this action, the proceeding is terminated.

This is a summary of the Commission's *Second Memorandum Opinion and Order*, MM Docket No. 90-214, adopted June 21, 1996 and released June 28, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-17112 Filed 7-3-96; 8:45 am]

BILLING CODE 6712-01-F

**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration****49 CFR Part 192**

[Docket PS-124; Amdt. 192-78]

RIN 2137-AC25

**Regulatory Review; Gas Pipeline Safety Standards; Correction****AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Correction of final regulation.

**SUMMARY:** This document corrects a final regulation published June 6, 1996 (61 FR 28770). The final regulation clarified the circumstances in which pipeline operators may adjust the boundaries of Class 2 and 3 locations that involve clusters of buildings. Because the regulation could have a significant, unintended economic impact on the gas pipeline industry, it is corrected to remove any substantive change to the rules governing boundary adjustment.

**EFFECTIVE DATE:** July 8, 1996.**FOR FURTHER INFORMATION CONTACT:** L.M. Furrow, (202) 366-4559.

**SUPPLEMENTARY INFORMATION:** RSPA revised the class location definitions (§ 192.5) to provide clarity and minimize the possibility of needless design and construction expenditures (61 FR 28783; June 6, 1996). One revision concerned the boundary adjustment of Class 2 and 3 locations that involve a cluster of buildings intended for human occupancy (old §§ 192.5(f)(2) and (f)(3)). With this adjustment, a Class 2 or 3 location on a pipeline ends 220 yards from the nearest building in the cluster. As revised, the adjustment applies only when all buildings in a 1-mile class location unit (the basis for classification under § 192.5) are in a single cluster (new § 192.5(c)(2)).

Since the revision was published, RSPA has learned that many operators customarily apply the cluster adjustment irrespective of buildings outside the cluster. We also learned this practice has been tacitly accepted by RSPA enforcement personnel and may be consistent with instruction at RSPA's Transportation Safety Institute. Under

these circumstances, the revised regulation could have a significant, unintended economic impact on the pipeline industry. Also, because this pipeline classification practice reflects the adjoining population density, the practice is consistent with pipeline safety. Therefore, we are correcting new § 192.5(c)(2) so there is no substantive change from old §§ 192.5(f)(2) and (f)(3).

**Correction of Publication**

Accordingly, the publication on June 6, 1996, of the final regulations in FR Doc. 96-13787 is corrected as follows:

**§ 192.5 [Corrected]**

On page 28783, in the 2nd column, in § 192.5, paragraph (c)(2) is corrected to read as follows:

\* \* \* \* \*

(c) \* \* \*

(2) When a cluster of buildings intended for human occupancy requires a Class 2 or 3 location, the class location ends 220 yards from the nearest building in the cluster.

Issued in Washington DC, on June 28, 1996.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 96-17111 Filed 7-3-96; 8:45 am]

BILLING CODE 4910-60-P

**Surface Transportation Board****49 CFR Part 1300**

[STB Ex Parte No. 528]

**Disclosure, Publication, and Notice of Change of Rates and Other Service Terms for Rail Common Carriage****AGENCY:** Surface Transportation Board.**ACTION:** Final rules.

**SUMMARY:** The ICC Termination Act of 1995 (ICCTA) eliminated the tariff requirements formerly applicable to rail carriers, but imposed instead certain obligations to disclose common carriage rates and service terms as well as a requirement for advance notice of increases in such rates or a change in service terms. The ICCTA requires the Board to promulgate regulations to administer these new obligations by June 29, 1996. The Board adds a new part 1300 to its regulations for that purpose.

**EFFECTIVE DATE:** These rules are effective August 4, 1996.**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]**SUPPLEMENTARY INFORMATION:** The Board's decision adopting these

regulations is available to all persons for a charge by phoning DC NEWS & DATA, INC. at (202) 289-4357.

#### Small Entities

The Board certifies that these rules will not have a significant economic impact on a substantial number of small entities. Although many railroads and shippers are small entities, we believe that the costs of compliance and other impacts would be minimal. We note that the rules should result in easier access to rail rate and service information, and to that extent, our action should benefit small entities.

#### Environment

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

#### List of Subjects in 49 CFR Part 1300

Administrative practice and procedure, Agricultural commodities, Railroads, Reporting and recordkeeping requirements.

Decided: June 27, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
Secretary.

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, Chapter X of the Code of Federal Regulations is amended as follows:

#### **SUBCHAPTER D—CARRIER RATES AND SERVICE TERMS**

1. The heading for Subchapter D is revised as set forth above.
2. The undesignated center headings for parts 1300-1319, parts 1320-1329, and parts 1330-1339 are removed.
3. A new part 1300 is added to read as follows:

#### **PART 1300—DISCLOSURE, PUBLICATION, AND NOTICE OF CHANGE OF RATES AND OTHER SERVICE TERMS FOR RAIL COMMON CARRIAGE**

Sec.

1300.1 Scope; definitions.

1300.2 Disclosure requirement for existing rates.

1300.3 Response to request for establishment of a new rate.

1300.4 Notice requirement.

1300.5 Additional publication requirement for agricultural products and fertilizer.

Authority: 49 U.S.C. 721(a) and 11101(f).

##### **§ 1300.1 Scope; definitions.**

(a) The provisions of this part address the requirements imposed on rail

carriers by 49 U.S.C. 11101(b), 11101(c), 11101(d) and 11101(f).

(b) Except as otherwise provided in this section, the provisions of this part apply to any common carriage transportation or service provided by a rail carrier subject to the jurisdiction of the Surface Transportation Board under 49 U.S.C. 10501.

(c) The provisions of this part do not apply to any transportation or service provided by a rail carrier under a contract authorized under 49 U.S.C. 10709 or former 49 U.S.C. 10713 (repealed effective January 1, 1996).

(d) The provisions of this part do not apply to any transportation or service provided by a rail carrier to the extent that such transportation or service is exempted from rate notice and disclosure requirements pursuant to an exemption issued under 49 U.S.C. 10502 or former 49 U.S.C. 10505 (repealed effective January 1, 1996).

(e) For the purposes of this part, "service terms" means all classifications, rules, and practices that affect the rates, charges, or level of service for rail transportation.

##### **§ 1300.2 Disclosure requirement for existing rates.**

(a) A rail carrier must disclose to any person, upon formal request, the specific rate(s) requested (or the basis for calculating the specific rate(s)), as well as all charges and service terms that may be applicable to transportation covered by the rate(s). For purposes of § 1300.4(a)(1) of this part, a formal request under this part is one that clearly notifies the railroad that the requester seeks not only immediate information but also notification of any future increases in the rate(s) involved or changes in pertinent service terms.

(b) The information provided by a rail carrier under this section must be provided immediately. (It is expected that the response will be sent within hours, or at least by the next business day, in most situations.) Such information may be provided either in written or electronic form as agreed to by the parties. If the parties cannot agree, such information is to be provided in electronic (non-passive) form where both parties have the requisite capabilities; otherwise, it is to be provided in writing.

(c) A rail carrier may, at its option, require that all requests submitted under this section be in written or electronic form, although the carrier may permit oral requests.

##### **§ 1300.3 Response to request for establishment of a new rate.**

Where a shipper or a prospective shipper or person acting on behalf of a

shipper or a prospective shipper requests that the carrier establish a rate in the absence of an existing rate for particular transportation, the carrier must promptly establish and provide to the requester a rate and applicable service terms. The information may be provided either in written or electronic form, as agreed to by the parties. If the parties cannot agree, such information is to be provided in electronic (non-passive) form where both parties have the requisite capabilities; otherwise, it is to be provided in writing. The response should be provided as soon as reasonably possible, but no later than 10 business days from receipt of the request. If a carrier determines that additional information is required from the requester before a rate or term can be established, the carrier must so notify the requester as soon as possible, but no later than 10 business days after receipt of the request. Once the additional information is received, the carrier must set the rate and related service terms, and relay them to the requester, as soon as reasonably possible, but no later than 10 business days from the receipt of the additional information. (However, the parties may agree to a different time period, in which case these time periods would not apply.) A rail carrier may, at its option, require that requests submitted under this section be in written or electronic form, although the carrier may permit oral requests.

##### **§ 1300.4 Notice requirement.**

(a) A rail carrier may not increase any rates or charges, or change any service terms (except for changes that are equivalent to rate reductions), unless 20 days have expired after written or electronic notice has been provided to all persons who, within the previous 12 months:

- (1) Have formally requested under §§ 1300.2 or 1300.3 of this part the affected rates or service terms; or
- (2) Have made arrangements with the carrier for a future shipment that would be subject to the increased rates or changed service terms.

(b) The notice required by this section may be in written or electronic form, as agreed to by the parties. If the parties cannot agree, the information is to be provided in electronic (non-passive) form where both parties have the requisite capabilities; otherwise, it is to be provided in writing.

(c) For purposes of this section, a mailed notice is deemed "provided" on the date such notice is postmarked.

(d) The notice required by this section must clearly identify the increases in rates or charges or the changes in service terms.

**§ 1300.5 Additional publication requirement for agricultural products and fertilizer.**

(a) With respect to transportation of agricultural products (including grain, as defined in 7 U.S.C. 75, and all products thereof) and fertilizer, a rail carrier shall publish, make available, and retain for public inspection its currently effective rates, schedules of rates, charges, and other service terms, and any scheduled changes to such rates, charges, and service terms. This requirement is in addition to the requirements imposed by §§ 1300.2, 1300.3, and 1300.4 of this part.

(b) The information published under this section must include an accurate description of the services offered to the public; must provide the specific applicable rates (or the basis for calculating the specific applicable rates), charges, and service terms; and must be arranged in a way that allows for the determination of the exact rate, charges, and service terms applicable to any given shipment (or to any given group of shipments). Increases, reductions and other changes must be symbolized or highlighted in some way to facilitate ready identification of the changes, the nature of those changes and their effective dates.

(c) A rail carrier must make the information available at offices where it normally keeps rate information. Access to the information at such offices must be provided to any person, without charge, during normal business hours.

(d) A rail carrier must also make the required publications available to all persons (hereinafter referred to as subscribers) who have subscribed to a publication service operated either by the rail carrier itself or by an agent acting at the rail carrier's direction. Such publications may be made available either in printed or in electronic form as agreed to by the parties. Any scheduled changes must be published in a manner that provides timely notice to subscribers. A rail carrier may impose reasonable charges for such publications. Publications may be limited to the specific information requested by the subscriber, and charges for such limited publications should be set accordingly.

[FR Doc. 96-16989 Filed 7-3-96; 8:45 am]

BILLING CODE 4915-00-P

**49 CFR Part 1305**

[STB Ex Parte No. 538]

**Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage**

**AGENCY:** Surface Transportation Board  
**ACTION:** Final rules.

**SUMMARY:** The ICC Termination Act of 1995 (ICCTA) eliminated the tariff requirements formerly applicable to pipeline carriers transporting commodities other than water, gas or oil. Instead, the ICCTA imposed certain obligations to disclose rates and service terms, as well as a requirement for advance notice of an increase in such rates or a change in service terms. The ICCTA requires the Board to promulgate regulations to administer these new obligations by June 29, 1996. The Board adds a new part 1305 to its regulations for that purpose.

**EFFECTIVE DATE:** These rules are effective August 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** The Board's decision adopting these regulations is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289-4357.

A notice of proposed rulemaking was published in the Federal Register on May 15, 1996 at 61 FR 24474.

**Small Entities**

The Board certifies that this rule will not have a significant economic effect on a substantial number of small entities. The rules should result in easier access to pipeline rate and service information, and, to that extent, our action should benefit small entities.

**Environment**

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

**List of Subjects in 49 CFR Part 1305**

Pipelines, Reporting and recordkeeping requirements, Transportation.

Decided: June 27, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
*Secretary.*

For the reasons set forth in the preamble, the Board adds a new part 1305 to title 49, chapter X, of the Code

of Federal Regulations, to read as follows:

**PART 1305—DISCLOSURE AND NOTICE OF CHANGE OF RATES AND OTHER SERVICE TERMS FOR PIPELINE COMMON CARRIAGE**

Sec.

1305.1 Scope; definitions.

1305.2 Disclosure requirement for existing rates.

1305.3 Response to request for establishment of a new rate.

1305.4 Notice requirement.

Authority: 49 U.S.C. 721(a) and 15701(e).

**§ 1305.1 Scope; definitions.**

(a) The provisions of this part address the requirements imposed on pipeline carriers by 49 U.S.C. 15701(b) and 15701(c). Such requirements apply to pipeline carriers only with respect to the transportation of commodities other than water, gas, or oil.

(b) Except as otherwise provided in paragraph (c) of this section, the provisions of this part apply to any transportation or service provided by a pipeline carrier subject to the jurisdiction of the Surface Transportation Board under 49 U.S.C. 15301.

(c) The provisions of this part do not apply to any transportation or service provided by a pipeline carrier to the extent that such transportation or service is exempted from rate notice and disclosure requirements pursuant to 49 U.S.C. 15302.

(d) For the purposes of this part, *service terms* means all classifications, rules, and practices that affect the rates, charges, or level of service for pipeline transportation.

**§ 1305.2 Disclosure requirement for existing rates.**

(a) A pipeline carrier must disclose to any person, on request, the specific rate(s) requested (or the basis for calculating the specific rate(s)), as well as all charges and service terms that may be applicable to transportation covered by those rate(s).

(b) The information provided by a pipeline carrier under this section must be provided immediately. (It is expected that the response will be sent within hours, or at the latest by the next business day, in most situations.) Such information may be provided either in writing or in electronic form, as agreed to by the parties. If the parties cannot agree, such information is to be provided in electronic form where both parties have the requisite capabilities; otherwise, it is to be provided in writing.

(c) A pipeline carrier may, at its option, require that all requests