and pests, Reporting and recordkeeping requirements.

Dated: November 20, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In 180.482, by redesignating the existing section as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 180.482 Benzoic acid, tolerances for resdues .

* * * * *

(b) A time-limited tolerance is established for residues of the insecticide benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2(4-ethylbenzoyl)hydrazide, in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerance is specified in the following table. This tolerance expires and is automatically revoked on the date specified in the table without further action by EPA.

Commodity	Parts per million	Expiration/Revocation Date
Peppers	0.5	November 30, 1997

[FR Doc. 96–30475 Filed 11–27–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–13; RM–8740]

Radio Broadcasting Services; Georgetown and Millsboro, Delaware

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 228B for Channel 228B1 at Georgetown, Delaware, reallots the channel to Millsboro, Delaware, and modifies the license for Station WZBH to specify operation on Channel 228B at Millsboro, Delaware. The *Notice* was issued in response to a petition filed by Great Scott Broadcasting. *See* 61 FR 6337, February 20, 1996. The coordinates for Channel 228B at Millsboro are 38–18–53 and 75–13–50. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 96–13, adopted November 1, 1996, and released November 8, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Delaware, is amended by removing the entry for Georgetown, Channel 228B1, and adding Millsboro, Channel 228B.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–30132 Filed 11–27–96; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 219 and 225

[FRA Docket No. RAR–4, Notice No. 15]

RIN 2130–AA58

Railroad Accident Reporting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule increases from $6,300 to $6,500 the monetary threshold for reporting rail equipment accidents/incidents involving railroad property damage that occur on or after January 1, 1997. This action is needed to ensure and maintain comparability between different years of data by having the threshold keep pace with increase in equipment and labor costs so that each year accidents involving the same minimum amount of railroad property damage are included in the reportable accident counts.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Robert L. Finkelstein, Staff Director, Office of Safety Analysis, Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202–632–3386); or Nancy L. Goldman, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202–632–3167).

SUPPLEMENTARY INFORMATION: On June 18 and November 22, 1996, FRA published in the Federal Register final rules amending the railroad accident reporting regulations at 49 CFR part 225. The final rules aim to minimize underreporting and inaccurate reporting of those injuries, illnesses, and accidents meeting reportability requirements.

Collisions, derailments, explosions, fires, acts of God, and other events involving the operation of standing or moving on-track equipment that result in more than $6,300 of reportable damage (the current reporting threshold) must be reported to FRA using the Rail Equipment Accident/Incident Report (Form FRA F 6180.54). 49 CFR 225.19 (b) and (c). The reporting threshold was last changed in 1990. 55 FR 52846.

FRA has periodically adjusted the reporting threshold based on changes in the prices of railroad labor and materials. The purpose of these adjustments has been to ensure that

FRA reporting requirements reflect the impact of inflation.

In 1992 Congress gave FRA some direction for modifying the procedure for calculating the threshold in 49 U.S.C. 20901(b) (formerly contained at section 15(a) of the Rail Safety Enforcement and Review Act (Pub. L. 102–365)):

> In establishing or changing a monetary threshold for the reporting of a railroad accident or incident, * * * damage cost calculations shall be based only on publicly available information obtained from (A) the Bureau of Labor Statistics; or (B) another department, agency or instrumentality of the United States Government if the information has been collected through objective, statistically sound survey methods or has been previously subject to a public notice and comment process in a proceeding of a Government department, agency, or instrumentality.

Congress allows an exception to this general rule only if the necessary data are not available from the sources described, and only after public notice and comment.

Pursuant to this 1992 amendment, FRA proposed a new method for calculation of the monetary reporting threshold in the accident reporting Notice of Proposed Rulemaking (NPRM). 59 FR 42880. FRA's proposal received favorable comments and was adopted in the accident reporting final rule published June 18, 1996. 61 FR 30959, 30969. In this notice, FRA merely adjusts the reporting threshold based on the formula adopted in the final rule. Accordingly, additional notice and comment would be unnecessary and contrary to the public interest.

Following the direction of Congress, FRA obtained in October 1996 the Producer Price Index (''PPI'') and National Employment Hours and Earnings figures from the Department of Labor's Bureau of Labor Statistics (''BLS''). These figures cover the 12-month period ending with the month of June of this year. The equation used to adjust the reporting threshold is based on the average hourly earnings reported for Class I railroads and an overall railroad equipment cost index determined by the BLS. The two factors are weighted equally.

For the wage component, FRA used LABSTAT Series Report, Standard Industrial Classification (SIC) code 4011 for Class I Railroad Average Hourly Earnings. For the equipment component, FRA used LABSTAT Series Report, Producer Price Index (PPI) Series WPU 144 for Railroad Equipment. The monthly figures were totaled and divided by 12 to produce monthly averages to be used in computing the projected annual (12-month) average for the next calendar year. The wage data are reported in terms of dollars earned per hour, while the equipment cost data are indexed to a base year of 1982.

The procedure for adjusting the reporting threshold is shown in the formula below. The wage component appears as a fractional change relative to the prior year, while the equipment component is a difference of two percentages which must be divided by 100 to present it in a consistent fractional form. After performing the calculation, the result is rounded to the nearest $100.

Formula:

$$\text{New Threshold} = \text{Prior Threshold} \times \left\{1 + 0.5\frac{(Wn - Wp)}{Wp} + 0.5\frac{(En - Ep)}{100}\right\}$$

Where:

Prior Threshold = $6,300 (for calendar years 1991–1996)

Wn = New average hourly wage rate ($)

Wp = Prior average hourly wage rate ($)

En = New equipment average PPI value ($)

Ep = Prior equipment average PPI value ($)

Formula using the data obtained from BLS:

New Threshold =

$$\$6{,}300 \times \left\{1 + 0.5\frac{(17.55500 - 17.13417}{17.13417} + 0.5\frac{(136.76667 - 131.66667)}{100}\right\}$$

Where:

Prior Threshold = $6,300 (for calendar years 1991–1996)

Wn = New average hourly wage rate ($) = 17.55500

Wp = Prior average hourly wage rate ($) = 17.13417

En = New equipment average PPI value ($) = 136.76667

Ep = Prior equipment average PPI value ($) = 131.66667

Since the result of $6,538 is rounded to the nearest $100, the new threshold is $6,500. The current weightings represent the general assumption that damage repair costs, at levels at or near the threshold, are split approximately evenly between labor and materials.

Appendix B is added to part 225 to show the procedure and formula used by FRA for determining the reporting threshold. Additionally, § 225.19(e) is amended to reflect that the accident reporting threshold for calendar year 1997 is $6,500.

The alcohol and drug regulations (49 CFR part 219) are amended throughout to reflect that the accident reporting threshold for calendar year 1997 is $6,500. Consistent with 225.19(c), this reporting threshold will be adjusted annually. 61 FR 30969.

Regulatory Impact

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule has been evaluated in accordance with existing regulatory policies and procedures and is considered to be a nonsignificant regulatory action under DOT policies and procedures (44 FR 11034; February 26, 1979). This final rule also has been reviewed under Executive Order 12866 and is also considered ''nonsignificant'' under that Order.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires a review of rules to assess their impact on small entities, unless the Secretary certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule will have no new significant direct or indirect economic impact on small units of government, business, or other organizations. To the extent that this rule has any impact on small units, the impact will be positive because the rule

is decreasing, rather increasing, their reporting burden.

Paperwork Reduction Act

There are no new information collection requirements associated with this final rule. Therefore, no estimate of a public reporting burden is required.

Environmental Impact

This final rule will not have any identifiable environmental impact.

Federalism Implications

This final 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.

The Final Rule

In consideration of the foregoing, FRA amends parts 219 and 225, title 49, Code of Federal Regulations to read as follows:

PART 219—[AMENDED]

1. The authority citation for Part 219 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20111, 20112, 20113, 20140, 21301, 21304; and 49 CFR 1.49(m).

2. By amending § 219.5 by revising the first sentence in the definition of *Impact accident* and by revising the definitions of *Reporting Threshold* and *Train accident* to read as follows:

§ 219.5 Definitions.

* * * * *

Impact accident means a train accident (*i.e.*, a rail equipment accident involving damage in excess of the current reporting threshold, $6,300 for calendar years 1991 through 1996 and $6,500 for calendar year 1997) consisting of a head-on collision, a rear-end collision, a side collision (including a collision at a railroad crossing at grade), a switching collision, or impact with a deliberately-placed obstruction such as a bumping post. * * *

* * * * *

Reporting threshold means the amount specified in § 225.19(c) of this chapter, as adjusted from time to time in accordance with appendix B to part 225 of this chapter. The accident reporting threshold for calendar years 1991 through 1996 is $6,300. The accident reporting threshold for calendar year 1997 is $6,500.

* * * * *

Train accident means a passenger, freight, or work train accident described in § 225.19(c) of this chapter (a ''rail equipment accident'' involving damage in excess of the current reporting threshold, $6,300 in calendar years 1991 through 1996 and $6,500 in calendar year 1997), including an accident involving a switching movement.

* * * * *

3. By amending § 219.201 by revising the introductory text of paragraphs (a) (1) and (2), and by revising paragraph (a) (4) to read as follows:

§ 219.201 Events for which testing is required.

(a) * * *

(1) *Major train accident.* Any train accident (*i.e.*, a rail equipment accident involving damage in excess of the current reporting threshold, $6,300 for calendar years 1991 through 1996 and $6,500 for calendar year 1997) that involves one or more of the following:

* * * * *

(2) *Impact accident.* An impact accident (*i.e.*, a rail equipment accident defined as an ''impact accident'' in § 219.5 of this part that involves damage in excess of the current reporting threshold, $6,300 for calendar years 1991 through 1996 and $6,500 for calendar year 1997) resulting in—

* * * * *

(4) *Passenger train accident.* Reportable injury to any person in a train accident (*i.e.*, a rail equipment accident involving damage in excess of the current reporting threshold, $6,300 for calendar years 1991 through 1996 and $6,500 for calendar year 1997) involving a passenger train.

PART 225—[AMENDED]

1. The authority citation for Part 225 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20901, 20902, 21302, 21311; 49 U.S.C. 103; 49 CFR 1.49(c), (g), and (m).

2. By revising § 225.19(e) to read as follows:

§ 225.19 Primary groups of accidents/incidents.

* * * * *

(e) The accident/incident reporting threshold for calendar years 1991 through 1996 is $6,300. This threshold dollar amount will remain in effect until December 31, 1996.

For calendar year 1997 the accident/incident reporting threshold is $6,500. The procedure for determining the reporting threshold for calendar year 1997 appears as Appendix B to this Part 225.

3. Part 225 is amended by adding Appendix B to read as follows:

Appendix B to Part 225—Procedure for Determining Reporting Threshold

1. Data from the U.S. Department of Labor, Bureau of Labor Statistics (BLS), LABSTAT Series Reports are used in the calculation. The equation used to adjust the reporting threshold uses the average hourly earnings reported for Class I railroads and Amtrak and an overall railroad equipment cost index determined by the BLS. The two factors are weighted equally.

2. For the wage component, LABSTAT Series Report, Standard Industrial Classification (SIC) code 4011 for Class I Railroad Average Hourly Earnings is used.

3. For the equipment component, LABSTAT Series Report, Producer Price Index (PPI) Series WPU 144 for Railroad Equipment is used.

4. In the month of October, final data covering the 12-month period ending with the month of June are obtained from BLS. The 12 monthly figures are totaled and divided by 12 to produce monthly averages to be used in computing the projected annual (12-month) average for the next calendar year.

5. The wage data are reported in terms of dollars earned per hour, while the equipment cost data are indexed to a base year of 1982.

6. The procedure for adjusting the reporting threshold is shown in the formula below. The wage component appears as a fractional change relative to the prior year, while the equipment component is a difference of two percentages which must be divided by 100 to present it in a consistent fractional form. After performing the calculation, the result is rounded to the nearest $100.

7. The current weightings represent the general assumption that damage repair costs, at levels at or near the threshold, are split approximately evenly between labor and materials.

8. Formula:

$$\text{New Threshold} = \text{Prior Threshold} \times \left\{ 1 + 0.5\frac{(Wn - Wp)}{Wp} + 0.5\frac{(En - Ep)}{100} \right\}$$

Where:
Prior Threshold=$6,300 (for calendar years 1991–1996)
Wn=New average hourly wage rate ($) = 17.55500
Wp=Prior average hourly wage rate ($) = 17.13417
En=New equipment average PPI value ($)= 136.76667
Ep=Prior equipment average PPI value ($) = 131.66667

9. The new threshold is $6,500 and is effective beginning January 1, 1997.

Issued in Washington, D.C., on November 20, 1996.

Jolene M. Molitoris,

Federal Railroad Administrator.

[FR Doc. 96–30352 Filed 11–27–96; 8:45 am]

BILLING CODE 4910–06–P

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 90–3; Notice 7]

RIN 2127–AF63

Federal Motor Vehicle Safety Standards; Air Brake Systems; Air Compressor Cut-In

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule, petitions for reconsideration.

SUMMARY: In response to a petition for reconsideration submitted by Flxible Corporation, this document amends Standard No. 121, *Air Brake Systems*, with respect to the air pressure at which a bus's air compressor must automatically activate. A bus manufacturer will be allowed to set the air compressor governor cut-in pressure at 85 psi or greater. The agency believes that allowing the air pressure to fall to 85 psi or greater, instead of 100 psi or greater, before the air compressor is required to cut in, provides a more appropriate activation pressure that accounts for the severe duty cycle experienced by some buses. By reducing the frequency of compressor operation, this modification will reduce potential safety problems caused by the air compressor introducing engine oil into the vehicle's air system.

DATES: *Effective date.* The amendment becomes effective January 28, 1997.

Compliance date. Compliance with the amendment will be required on and after March 1, 1997.

Petitions for reconsideration. Any petitions for reconsideration of this rule must be received by NHTSA no later than January 13, 1997.

ADDRESSES: Petitions for reconsideration of this rule should refer to the above referenced docket numbers and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Richard Carter, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366–5274.

For legal issues: Mr. Marvin L. Shaw, NCC–20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–366–2992).

SUPPLEMENTARY INFORMATION:

I. Background

Standard No. 121, *Air Brake Systems,* specifies performance and equipment requirements for braking systems on vehicles equipped with air brakes, including a requirement specifying the minimum air pressure at which a vehicle's air compressor governor must automatically activate the compressor, thereby increasing air pressure in the air brake system. (See S5.1.1.1) The governor maintains reservoir air pressure between predetermined minimum and maximum pressures.

II. February 1996 Final Rule

In response to a petition for rulemaking submitted by the Truck Trailer Manufacturers Association (TTMA), NHTSA amended S5.1.1.1 to require the automatic activation of the air compressor on a powered vehicle whenever the pressure in the air brake system falls below 100 pounds per square inch (psi) (61 FR 6173, February 16, 1996). Prior to the February 1996 final rule, the air compressor was required to automatically activate whenever the air pressure in the reservoir fell below 85 psi. Manufacturers of air braked vehicles are required to comply with this amendment on and after March 1, 1997.

Enhanced truck tractor performance is the primary goal of the February 1996 amendment, which ensures that new air braked truck tractors are capable both of providing trailers with sufficient pressure for release of the trailer parking brakes and of providing adequate service braking. By raising the cut-in pressure, an additional quantity of stored compressed air will be available for an air brake system. In addition, requiring an overall higher system air pressure will allow a better balance between protection valve settings between the tractors and trailers.

Because NHTSA determined that the change in compressor cut-in pressure will benefit single-unit trucks and buses as well as truck tractors, the agency applied the change to all powered vehicles. A higher cut-in pressure provides a margin of safety for vehicles equipped with long-stroke chambers and antilock brake systems which consume more air than conventional brake systems. NHTSA anticipated no safety problems as the result of the February 1996 amendment. The agency further anticipated that the amendment would not result in an undue burden for manufacturers, since most vehicles already complied with the cut-in requirement.

III. Petition for Reconsideration

On March 4, 1996, Flxible Corporation (Flxible), a manufacturer of air-braked transit buses, petitioned NHTSA to amend the air compressor cut-in requirements in Standard No. 121 with respect to buses. It stated that while the amended requirements were appropriate for truck tractors, the automatic cut-in pressure requirements should not have been raised from 85 psi to 100 psi for city transit buses. The petitioner stated that the air brakes on buses do not experience the same conditions as those on tractors. Therefore, it stated that the rule should not be applied to vehicles other than truck tractors, without a full understanding of the potential problems and consequences associated with that decision.

Flxible stated that transit buses have a unique duty cycle that requires more frequent brake applications than other vehicles. It further stated that the air brake systems on transit buses are connected to unique air consuming devices and systems that almost continuously consume air. These devices and systems include air operated door systems, air operated kneeling systems, air consuming brake interlocks, and air throttles on mechanical engines.

Flxible stated that higher governor cut-in pressures result in higher compressor pumping pressures. Frequent air depletion by the various on-vehicle devices causes the compressor to operate on an almost continuous duty cycle. This severe duty cycle, combined with the new higher pumping pressures, causes the air compressor to introduce greater quantities of engine oil into the vehicle's air system, because the air compressors must run a substantially