

*D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities*

None of the proposed rules in this notice are intended to increase the reporting, recordkeeping and other compliance requirements of any telecommunications carrier. Adoption of an off-axis EIRP approach for the regulation of FSS earth stations would require changes to the application form for earth station licenses, those changes are not intended to be more or less burdensome than the current application requirements. Furthermore, those changes, if adopted, would not affect small business earth station operators any differently than other earth station operators.

*E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

In the *Third Further Notice*, the Commission considers a proposal from the *Further Notice* regarding VSAT networks using contention protocols, and also considers several proposals from commenters. The Commission rejects all those proposals as too restrictive for all earth station operators, including small business operators, and seeks comment on a new proposal which it believes to be less restrictive.

*F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules*

None.

**Ordering Clauses**

Accordingly, *It is ordered*, pursuant to sections 4(i), 7(a), 11, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 161, 303(c), 303(f), 303(g), 303(r), that this *Third Further Notice of Proposed Rulemaking* is hereby adopted.

*It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference

Information Center, *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief, Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-11172 Filed 6-7-05; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 05-1477; MB Docket No. 04-124, RM-10936, RM-10937, RM-10938, RM-10939]

**Radio Broadcasting Services; Dallas, OR**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; denial.

**SUMMARY:** The Audio Division denies Petitions for Rule Making filed separately by Northwest Community Radio Project, Dallas, Oregon Seventh-day Adventist Church, Radio Bilingue, Inc. and Lifetime Ministries, Inc. proposing the reservation of vacant Channel 252C3 at Dallas, Oregon for noncommercial educational. The proposals were denied because the reservation of vacant Channel 252C3 at Dallas, Oregon would not provide a first/second noncommercial educational service to at least ten percent of the total population within the proposed 60 dBu contour. See 69 FR 26353, May 12, 2004.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 04-124, adopted May 25, 2005, and released May 27, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document is

not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) because the proposed rule was denied.)

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 05-11275 Filed 6-7-05; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 05-1365; MB Docket No. 05-191; RM-11243]

**Radio Broadcasting Services; Elberton and Union Point, GA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Georgia-Carolina Radiocasting Company, LLC ("Petitioner"), licensee of Station WEHR (FM), Channel 286A, Elberton, Georgia. Petitioner requests that the Commission upgrade Channel 286A to Channel 286C2 and reallocate Channel 286C2 from Elberton to Union Point, Georgia. The coordinates for Channel 286C2 at Union Point are 33-22-42 NL and 83-00-16 WL, with a site restriction of 27.1 kilometers (16.8 miles) south of Union Point.

**DATES:** Comments must be filed on or before July 18, 2005, and reply comments on or before August 2, 2005.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve Petitioner's counsel, as follows: Dan J. Alpert, Esq., The Law Office of Dan J. Alpert; 2120 N. 21st Road; Arlington, Virginia 22201.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 05-191, adopted May 25, 2005 and released May 27, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals

II, 445 12th Street, SW., CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506 (c)(4).

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

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

**Authority:** 47 U.S.C. 154, 303, 334, and 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 286A at Elberton, and by adding Union Point, Channel 286C2.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 05-11274 Filed 6-7-05; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 393

[Docket No. FMCSA-2005-21259]

RIN 2126-AA88

#### Parts and Accessories Necessary for Safe Operation: Protection Against Shifting and Falling Cargo

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); request for comments.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) is proposing to amend its September 27, 2002, final rule concerning protection against shifting and falling cargo for commercial motor vehicles (CMVs) engaged in interstate commerce in response to petitions for rulemaking from the American Trucking Associations (ATA), Forest Products Association of Canada, Georgia-Pacific Corporation and Weyerhaeuser, and in response to issues raised by the Canadian Council of Motor Transport Administrators (CCMTA), the Forest Resources Association, Inc., the Washington Contract Loggers Association and the Washington Log Truckers Conference, and the Timber Producers Association of Michigan and Wisconsin. The amendments are intended to make the final rule more consistent with the December 18, 2000, notice of proposed rulemaking (NPRM) and the North American Cargo Securement Standard Model Regulations the new rules are based upon. This rulemaking would also include several editorial corrections to the final rule.

**DATES:** Comments must be received by August 8, 2005.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Number FMCSA-2004-19608 by any of the following methods:

- *Web Site:* <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic site.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.
- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday

through Friday, except Federal Holidays.

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking (RIN 2126-AA90). Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading for further information.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://dms.dot.gov>.

Comments received after the comment closing date will be included in the docket and we will consider late comments to the extent practicable. FMCSA may, however, issue a final rule at any time after the close of the comment period.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry W. Minor, Chief of the Vehicle and Roadside Operations Division, Federal Motor Carrier Safety Administration, 202-366-4009.

**SUPPLEMENTARY INFORMATION:** This notice is organized as follows:

- I. Legal Basis for the Rulemaking
- II. Background
- III. Petitions for Reconsideration
  - A. Summary of the Petitions for Reconsideration
  - B. FMCSA Response to the Petitioners
- IV. ATA Petition for Rulemaking
  - A. Summary of ATA Concerns
  - B. FMCSA Response to ATA Concerns
- V. CCMTA Concerns About the Relationship Between the Performance Criteria and Working Load Limits
  - A. Summary of CCMTA's Concerns
  - B. FMCSA Response to CCMTA
- VI. Forest Resources Association's Concerns About Section 393.116
  - A. Summary of the Forest Resource Association's Concerns