

adopted July 3, 1997, and released July 11, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 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 Colorado, is amended by adding Dolores, Channel 227C2.

3. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Channel 287A at Durango.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-18740 Filed 7-15-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-119; RM-9072]

Radio Broadcasting Services; Victor, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document dismisses a petition for rule making filed by West Wind Broadcasting proposing the allotment of Channel 289A to Victor, Montana. See 62 FR 22901, April 28, 1997. No comments were received at the Commission stating an intention to file an application for the channel at Victor. It is Commission policy to refrain from making an allotment absent an expression of interest. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 16, 1997.

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. 97-119, adopted July 3, 1997, and released July 11, 1997. 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-18746 Filed 7-15-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-108; RM-9024]

Radio Broadcasting Services; Riley, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Donald Law, allots Channel 242C3 at Riley, Kansas, as the community's first local aural transmission service. See 62 FR 17772, April 11, 1997. Channel 242C3 can be allotted in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.7 kilometers (7.9 miles) east in order to avoid a short-spacing conflict with the vacant allotment of Channel 242C3 at Cawker City, Kansas. The coordinates for Channel 242C3 at Riley are 39-16-40 NL and 96-40-50 WL. With this action, this proceeding is terminated.

DATES: Effective August 25, 1997. The window period for filing applications will open on August 25, 1997, and close on September 25, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-108, adopted July 3, 1997, and released July 11, 1997. The full text of this

Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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 Kansas, is amended by adding Riley, Channel 242C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-18745 Filed 7-15-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-93; RM-9013]

Radio Broadcasting Services; Hardinsburg, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 245A to Hardinsburg, Indiana, as that community's first local aural transmission service in response to a petition filed by Keith L. Reising. See 62 FR 13582, March 21, 1997. Coordinates used for Channel 245A at Hardinsburg are 38-30-42 and 86-22-22. With this action, the proceeding is terminated.

DATES: Effective August 25, 1997. The window period for filing applications for Channel 245A at Hardinsburg, Indiana, will open on August 25, 1997, and close on September 25, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the

window application filing process for Channel 245A at Hardinsburg, Indiana, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-93, adopted June 25, 1997, and released July 11, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 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 Indiana, is amended by adding Hardinsburg, Channel 245A. Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-18744 Filed 7-15-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 369

[FHWA Docket No. MC-96-37 and No. FHWA-97-2286]

RIN 2125-AE02

Compensated Intercompany Hauling

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is removing the regulation delineating the scope and notice filing requirements of the statutory exemption for compensated intercompany hauling. Section 103 of the ICC Termination Act of 1995 (ICCTA), Pub. L. 104-88, 109 Stat. 803,

removed the requirement that a notice be filed before initiation of exempt compensated intercompany hauling operations.

EFFECTIVE DATE: August 15, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas T. Vining or Ms. Patricia A. Burke, Office of Motor Carrier Information Analysis, HIA-30, (202) 358-7028, or Ms. Grace Reidy, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On October 21, 1996, the FHWA published a proposed rule and a request for comments in the **Federal Register** (61 FR 54711) on the regulation governing the filing of a notice prior to initiation of operations under the statutory exemption for compensated intercompany hauling. The proposed rule would eliminate this regulation.

The former Interstate Commerce Act contained an exemption from ICC regulation at 49 U.S.C. 10524(b) for compensated transportation service by a member of a corporate family, for other members of the same family, if proper notice was given. To qualify for the exemption, the participants were required to be members of a corporate family in which the parent owned, either directly or indirectly, a 100 percent interest in the subsidiaries. Corporate entities availing themselves of the exemption were also required to file a notice, which was published in the **Federal Register**, listing the participating subsidiaries and certifying 100 percent ownership by the corporate parent.

The ICCTA reenacted the substantive exemption for compensated intercompany hauling, but removed the requirement for filing of a notice of operations under the exemption, 49 U.S.C. 13505(b). Although the ICCTA does not prohibit imposition of a notice requirement by the FHWA, which has assumed responsibility for these regulations pursuant to the ICCTA, the prior **Federal Register** notice questioned the continuing need for a notice requirement or for any regulations on this subject.

The public comment period for the proposed rule closed on December 20, 1996. The FHWA received one comment from the National Private Truck Council (NPTC). This comment is available for review at the U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

The NPTC supports elimination of the regulation and notice filing requirement. The regulation at 49 CFR part 369 merely restates the scope of the statutory compensated intercompany hauling exemption and provides the required form and content of the notice. The information that otherwise would be contained in the notice can be easily checked by the FHWA through other means if it ever appears that a corporation is conducting operations which exceed the scope of the exemption. Because the ICCTA essentially limits licensing requirements to compliance with safety and insurance requirements, there also appears to be no incentive for a corporation to use the exemption as a cover for unregistered transportation operations. The corporation could easily obtain operating authority for legitimate operations. Thus, the regulation at 49 CFR part 369 no longer serves any meaningful regulatory purpose, and it will be removed.

Executive Order 12866 (Regulatory Planning and Review and DOT Regulatory Policies and Procedures)

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. The economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required. The rulemaking merely eliminates a notice filing requirement which applies to a small number of transportation entities. Neither the individual nor cumulative impact of this action will be significant.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. The filing requirement currently only involves the preparation of a relatively simple notice by less than twenty transportation entities annually. Its elimination, while beneficial, will not have a significant economic impact.

Executive Order 12612 (Federalism Assessment)

This action was analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it was determined that this action does not have sufficient