

factored into the calculation for the fee determination.

(3) An eligible organization with a risk contract's pro rata share of the annual fee is determined based upon the organization's monthly calculated Medicare payment amount during the preceding nine consecutive months beginning with January. HCFA calculates each monthly pro rata share for an organization by multiplying the established BBA fee percentage by the total monthly calculated Medicare payment amount to plans as recorded in HCFA's payment system on the first day of the month.

(4) HCFA offsets the fees against the organization's monthly Medicare payment. Beginning with the January payment, HCFA withholds the organization's share of fees and deducts the amount from the total payment made by HCFA to the organization for that month. HCFA will stop collecting the FY 1998 BBA fee from eligible plans when \$95 million has been assessed.

(5) Should delays occur in determining the amount of fees specified in paragraph (h)(1) of this section or the fee percentage rate specified in paragraph (h)(2) HCFA may adjust the assessment time period and fee percentage amount.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 26, 1997.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Approved: November 26, 1997.

Donna E. Shalala,

Secretary.

[FR Doc. 97-31710 Filed 12-1-97; 8:45 am]

BILLING CODE 4120-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-195; RM-8867]

Radio Broadcasting Services; Geneseo, IL and DeWitt, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Connoisseur Communications of Quad Cities, L.P., substitutes Channel 285C3 for Channel 285A at Geneseo, Illinois, reallocates Channel 285C3 from Geneseo to DeWitt, Iowa, and modifies

Station WGEN-FM's license accordingly. See 61 FR 51075, September 30, 1996. Channel 285C3 can be reallocated to DeWitt in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.0 kilometers (8.7 miles) southeast to avoid short-spacings to the licensed sites of Station WXRQ(FM), Channel 285A, Belvidere, Illinois, and Station WXCL(FM), Channel 285A, Pekin, Illinois, at petitioner's requested site. The coordinates for Channel 285C3 at DeWitt are North Latitude 41-42-50 and West Longitude 90-27-20. With this action, the proceeding is terminated.

EFFECTIVE DATE: January 5, 1998.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-195, adopted November 12, 1997, and released November 21, 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 contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

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: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by removing Channel 285A at Geneseo.

3. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by adding DeWitt, Channel 285C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-31512 Filed 12-1-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-243; RM-8925]

Radio Broadcasting Services; Chugwater, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Mountain Tower Broadcasting, allots Channel 258A at Chugwater, Wyoming, as the community's first local aural transmission service. See 61 FR 65509, December 13, 1996. Channel 258A can be allotted to Chugwater in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 258A at Chugwater are North Latitude 41-45-36 and West Longitude 104-49-30. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 5, 1998. A filing window for Channel 258A at Chugwater, Wyoming, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-243, adopted November 5, 1997, and released November 21, 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 contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

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: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Chugwater, Channel 258A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-31511 Filed 12-1-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Parts 219 and 225**

[FRA Docket No. RAR-5, Notice No. 1]

RIN 2130-AB21

Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents

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

ACTION: Final rule.

SUMMARY: This final rule increases from \$6,500 to \$6,600 the monetary threshold for reporting railroad accidents/incidents involving railroad property damage that occur on or after January 1, 1998. This action is needed to ensure and maintain comparability between different years of data by having the threshold keep pace with increases or decreases 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. The reporting threshold was last changed in 1996.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Robert L. Finkelstein, Staff Director, Office of Safety Analysis, RRS-22, Mail Stop 25, Office of Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone 202-632-3386); or Nancy L. Goldman, Trial Attorney, Office of Chief Counsel, RCC-12, Mail Stop 10, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone 202-632-3167).

SUPPLEMENTARY INFORMATION:**Background**

Rail equipment accidents/incidents are collisions, derailments, explosions, fires, acts of God, and other events (including grade crossing accidents) involving the operation of standing or moving on-track equipment that results in damages higher than the current

reporting threshold to railroad on-track equipment, signals, track, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material. 49 CFR 225.19 (b), (c). Each rail equipment accident/incident must be reported to FRA using the Rail Equipment Accident/Incident Report (Form FRA F 6180.54). *Id.*

As revised in 1996, paragraphs (c) and (e) of § 225.19 of title 49, Code of Federal Regulations, provide that the dollar figure that constitutes the reporting threshold for rail equipment accidents/incidents will be adjusted every year in accordance with the procedures outlined in appendix B to part 225, to reflect cost increases or decreases. 61 FR 30942, 30969 (June 18, 1996); 61 FR 60632, 60634 (Nov. 29, 1996); 61 FR 67477, 67490 (Dec. 23, 1996).

New Reporting Threshold

One year has passed since the accident/incident reporting threshold was last revised. 61 FR 60632 (Nov. 29, 1996). Consequently, FRA has recalculated the threshold, as required by § 225.19(c), based on increased costs for labor and decreased costs for material. FRA has determined that the current reporting threshold of \$6,500, which applies to rail equipment accidents/incidents that occur during calendar year 1997, should be increased to \$6,600, effective January 1, 1998, and §§ 225.5 and 225.19 are being amended accordingly. Appendix B has also been amended to reflect the most recent cost figures and the calculations made to determine the new threshold for calendar year 1998. Finally, the alcohol and drug regulations (49 CFR part 219) are amended throughout to reflect that the reporting threshold for calendar year 1998 is \$6,600.

Notice and Comment Procedures

In this rule, FRA merely adjusts the reporting threshold based on the formula adopted, after notice and comment, in the final rule published June 18, 1996, 61 FR 30959, 30969, and discussed in detail in the final rule published November 29, 1996, 61 FR 30632. FRA further finds that both the current cost data inserted into this pre-existing formula and the original cost data that they replace were obtained from reliable Federal government sources. FRA further finds that this rule imposes no additional burden on any person, but rather provides a benefit by permitting the valid comparison of accident data over time. Accordingly, FRA concludes that notice and comment procedures are impracticable, unnecessary, and contrary to the public

interest. As a consequence, FRA is proceeding directly to this final rule.

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 as follows:

PART 219—[AMENDED]

1. The authority citation for part 219 continues to read as follows:

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