

229A can be allotted to Dilley, Texas, consistent with the minimum distance separation requirements of the Commission's rules, provided there is a site restriction 6.3 kilometers (3.9 miles) south of the community. The reference coordinates for Channel 229A at Dilley are 28-36-56 north latitude and 99-10-48 west longitude.

Although concurrence has been requested for Channel 229A at Dilley, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified for Dilley herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement." A filing window for Channel 264A at Cotulla, Texas and Channel 229A at Dilley, Texas, will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

**DATES:** Effective June 16, 2003.

**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. 03-27, adopted April 28, 2003, and released April 30, 2003. 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, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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

Radio, Radio broadcasting.

#### 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 Texas, is amended by adding Channel 264A at Cotulla, by removing Channel 264A and by adding Channel 229A at Dilley.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 03-12966 Filed 5-22-03; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 78

[CS Docket No. 99-250, FCC 02-149]

#### Cable Television Relay Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, announcement of effective date.

**SUMMARY:** The Federal Communications Commission has received Office of Management and Budget (OMB) approval for the public information collection contained in the Commission's decision expanding the eligibility for licenses in the Cable Television Relay Service (CARS) to all Multichannel Video Programming Distributors (MVPDs).

**DATES:** Section 78.13(f) published at 67 FR 43257, June 27, 2002, received OMB approval and was effective March 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Wayne T. McKee, 202-418-2355.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission has received OMB approval for the expansion of the class of those eligible to file FCC Form 327, Application for a Television Relay Service Station Authorization, OMB Control No. 3060-0055. The information collection was revised in the Order in CS Docket No. 99-250 which appears at 67 FR 43257, June 27, 2002. The effective date of the rules adopted in that Order was published as July 29, 2002, except for § 78.13(f) which contains modified information collection requirements that would not be effective until approved by the Office of Management and Budget. Through this document, the Commission announces that it has received this approval (OMB Control No. 3060-0110, Expiration Date: August 31, 2003) and that § 78.13(f) is effective on March 13, 2003.

Pursuant to the Paperwork Reduction Act of 1995, Public Law 96-511, an

agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Les Smith, Federal Communications Commission, (202) 418-0217.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 03-12918 Filed 5-22-03; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Surface Transportation Board

#### 49 CFR Part 1180

[STB Ex Parte No. 282 (Sub-No. 20)]

#### Railroad Consolidation Procedures—Exemption For Temporary Trackage Rights

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board) amends its rules to exempt from regulation, under 49 U.S.C. 10502, as a class, authorization of temporary trackage rights proposals under 49 U.S.C. 11323 that are based on written agreements, are not filed or sought in responsive applications in rail consolidation proceedings, are limited to overhead operations, and expire on a date certain. This class exemption would permit authorization of temporary trackage rights for a limited period of time, not to exceed 1 year from the effective date of the exemption. It would also permit termination of such rights without the need to file for discontinuance authority at the end of the authorization period, as the authority would automatically terminate on the date specified. Carriers taking advantage of this class exemption are subject to the standard provisions for the protection of employees. The exemption automatically removes these transactions from regulatory oversight and simplifies and expedites the process for commencing temporary trackage rights operations. The regulations at 49 CFR Part 1180 are amended, as set forth in the Appendix, to implement this action.

**DATES:** This rule is effective on June 22, 2003.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 565-1600. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The rules adopted here were initially proposed in the **Federal Register** at 68 FR 6695, on February 10, 2003. Additional information is contained in the Board's decision. Copies of the Board's decision may be purchased from Da-2-Da Legal Copy Service by calling 202-293-7776 (assistance for the hearing impaired is available through FIRS at 1-800-877-8339) or visiting Suite 405, 1925 K Street, NW., Washington, DC 20006.

By a separate decision served on February 10, 2003, in these proceedings, the Director of the Office of Proceedings has certified that this rule would not have a significant impact on a substantial number of small entities. The Board has received no public comment disputing the certification.

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 1180**

Administrative practice and procedure, Railroads.

**Authority:** 49 U.S.C. 10502(b) and 5 U.S.C. 553.

Decided: May 9, 2003.

By the Board, Chairman Nober and Commissioner Morgan.

**Vernon A. Williams,**  
*Secretary.*

■ For the reasons set forth in the preamble, the Surface Transportation Board amends part 1180 of title 49, chapter X, of the Code of Federal Regulations as follows:

**PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES**

■ 1. The authority citation for Part 1180 continues to read as follows:

**Authority:** 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, and 11323-11325.

■ 2. Amend § 1180.2 by revising the first sentence of paragraph (d) introductory text and by adding a new paragraph (d)(8) to read as follows:

**§ 1180.2 Types of transactions.**

\* \* \* \* \*

(d) A transaction is exempt if it is within one of the eight categories described in paragraphs (d)(1) through (8). \* \* \*

\* \* \* \* \*

(8) Acquisition of temporary trackage rights by a rail carrier over lines owned or operated by any other rail carrier or carriers that are: (i) based on written agreements, (ii) not filed or sought in responsive applications in rail consolidation proceedings, (iii) for overhead operations only, and (iv) scheduled to expire on a specific date not to exceed 1 year from the effective date of the exemption. If the operations contemplated by the exemption will not be concluded within the 1-year period, the parties may, prior to expiration of the period, file a request for a renewal of the temporary rights for an additional period of up to 1 year, including the reason(s) therefor. Rail carriers acquiring temporary trackage rights need not seek authority from the Board to discontinue the trackage rights as of the expiration date specified under 49 CFR 1180.4(g)(2)(iii). All transactions under these rules will be subject to applicable statutory labor protective conditions.

■ 3. Amend § 1180.4 by adding new paragraphs (g)(2)(iii) and (iv) to read as follows:

**§ 1180.4 Procedures.**

\* \* \* \* \*

(g) \* \* \*

(2) \* \* \*

(iii) To qualify for an exemption under § 1180.2(d)(8) (acquisition of temporary trackage rights), in addition to the notice, the railroad must file a caption summary suitable for publication in the **Federal Register**. The caption summary must be in the following form:

**Surface Transportation Board**

Notice of Exemption

STB Finance Docket No.

(1)—Temporary Trackage Rights—(2)

(2) (3) to grant overhead temporary trackage rights to (1) between (4). The temporary trackage rights will be effective on (5). The authorization will expire on (6).

This notice is filed under § 1180.2(d)(8). Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated:  
By the Board,  
[Insert name]  
Secretary.

The following key identifies the information symbolized in the summary.

- (1) Name of the tenant railroad.
- (2) Name of the landlord railroad.
- (3) If an agreement has been entered use "has agreed," but if an agreement has been reached but not entered use "will agree."
- (4) Describe the temporary trackage rights.
- (5) State the date the temporary trackage rights agreement is proposed to be consummated.
- (6) State the date the authorization will expire (not to exceed 1 year from the date the trackage rights will become effective).
- (iv) The Board will publish the caption summary in the **Federal Register** within 20 days of the date that it is filed with the Board. The filing of a petition to revoke under 49 U.S.C. 10502(d) does not stay the effectiveness of an exemption.

\* \* \* \* \*

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