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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 North Carolina, is amended by removing Ahoskie, Channel 257A, by adding Creedmoor, Channel 260C3, by adding Gatesville, Channel 257A, by removing Channel 259A and by adding Channel 257A at Nashville.

■ 3. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Chase City, Channel 260C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04-13992 Filed 6-21-04; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04-1283; MB Docket No.04-42; RM-10850]

Radio Broadcasting Services; Bowling Green and Glasgow, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 236C0 from Glasgow, Kentucky to Bowling Green, Kentucky, and modifies the license for Station WGGC to specify operation Channel 236C0 at Bowling Green, Kentucky, in response to a petition filed by Heritage Communications, Inc. See 69 FR 12296, March 16, 2004. The license for Station WGGC was previously modified to specify operation on Channel 236C0 in lieu of Channel 236C at Glasgow, Kentucky. See BMLH-19990728KA.

This change is not reflected in the FM Table of Allotments. Channel 236C0 can be reallocated to Bowling Green in compliance with the Commission's minimum distance separation requirements at petitioner's presently licensed site. The coordinates for Channel 236C0 at Bowling Green are 36-54-43 and 86-11-21.

DATES: Effective July 6, 2004.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MB Docket No. 04-42, adopted May 19, 2004, and released May 21, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center, Portals II, 445 12th 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.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended 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 Kentucky, is amended by removing Channel 236C at Glasgow and by adding Channel 236C0 at Bowling Green.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04-14116 Filed 6-21-04; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[FCC 04-118; MM Docket Nos. 96-7, 96-12, RM-8732, RM-8845, RM-8741; File No. BPH-960206IE]

Radio Broadcasting Services; Banks, Corvallis, Redmond, Sunriver, The Dalles, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule; application for review, denied.

SUMMARY: This document denies an Application for Review of a *Memorandum Opinion and Order*, 66 FR 9676 (February 9, 2001), filed jointly by Madgekal Broadcasting, Inc. and Jacor Licensee of Louisville, Inc., former and current licensee, respectively, of Station KFLY (FM), Corvallis, Oregon. That *Memorandum Opinion and Order* denied reconsideration of a *Report and Order* 63 FR 19663 (April 21, 1998) that denied a settlement agreement providing for a \$950,000 payment, denied a one-step upgrade application for Station KFLY(FM) at Corvallis from Channel 268C2 to Channel 268C, and granted two petitions for rulemaking: one proposing the upgrade of Station KVMX(FM), Banks, Oregon, from Channel 298C2 to Channel 298C1, the substitution of Channel 269C2 for Channel 298C2 at Redmond, Oregon, and one proposing the allotment of Channel *268C3 at The Dalles. The document also revises the site for the allotment of Channel *268C3 at The Dalles to ensure that the community will receive city-grade coverage. The coordinates for that site are: 45-31-28 NL and 121-07-22 WL. The document also rejected two other arguments as untimely.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket Nos. 96-7, and 96-12, adopted May 25, 2004 and released May 27, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room

CY-B402, Washington, DC, 20554, Customers may contact BCPI at their Web site: <http://www.bcpiweb.com> or call 1-800-378-3160.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04-14118 Filed 6-21-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, and 178

[Docket No. RSPA-2003-13658 (HM-215E)]

RIN 2137-AD94

Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; response to appeals and corrections.

SUMMARY: On July 31, 2003, RSPA published a final rule under Docket Number RSPA-2002-13658 (HM-215E) amending the Hazardous Materials Regulations (HMR) based on corresponding provisions of international standards. The revisions were made to facilitate the transportation of hazardous materials in international commerce. In response to appeals submitted by persons affected by the July 31, 2003 final rule, this final rule amends certain requirements. This final rule also corrects errors in the July 31, 2003 final rule.

DATES: Effective Date: June 22, 2004.

Delayed Compliance Date: October 1, 2004.

FOR FURTHER INFORMATION CONTACT: Joan McIntyre, Office of Hazardous Materials Standards, (202) 366-8553, or Shane Kelley, International Standards, (202) 366-0656, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

I. Background

On July 31, 2003, the Research and Special Programs Administration (RSPA, we) published a final rule under Docket HM-215E (68 FR 44992) revising the HMR to maintain alignment with recent changes to corresponding

provisions in international standards. Changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations) necessitated amendments to domestic regulations to provide consistency and facilitate the transport of hazardous materials in international commerce. This final rule responds to five appeals and certain comments concerning amendments in the July 31, 2003 final rule. This rulemaking also corrects various errors made during the development of the rule and the printing process. Because the amendments adopted herein impose no new regulatory burden on any person, these amendments are being made effective without the usual 30-day delay following publication.

II. Discussion and Resolution of Appeals

Five organizations submitted appeals to the July 31, 2003 final rule. The appellants are the American Trucking Associations (ATA), Arch Chemicals, Inc., Argonne National Laboratory (Argonne), Geo Specialty Chemicals (GEO), and the Truckload Carriers Association (TCA).

- *"Hydrazine aqueous solution, UN2030," § 172.101, Hazardous Materials Table (HMT).*

In the July 31, 2003 final rule, we revised the HMT entry "Hydrazine, aqueous solution, *with more than 37% hydrazine, by mass*," UN2030 by adding Packing Group I and III entries to the previously existing Packing Group II entry. In addition, the Packing Group II special provisions in Column (7) were revised. During the printing process, the bulk special provisions, with the exception of Special Provision 151, were inadvertently omitted in the HMT, in both the NPRM and the final rule. After publication of the final rule, the error was brought to our attention through an appeal submitted by Arch Chemicals. The appellant requested the addition of the following special provisions for "Hydrazine, aqueous solution, *with more than 37% hydrazine, by mass*," UN2030: Packing Group I, B16, B53, T10, TP2, TP13; Packing Group II, B16, B53, IB2, T7, TP2, TP13; and Packing Group III, B16, B53, IB3, T4, TP1. We agree with the appellant, and these printing omissions are being corrected in this final rule.

Arch Chemicals also requested that we submit a position paper to the UN

Transport of Dangerous Goods Subcommittee requesting revision of the UN Recommendations to align the T Codes assigned to "Hydrazine, aqueous solution," UN2030 with the HMR T Codes. We submitted a position paper for consideration at the 24th session to amend the T codes as adopted in this final rule; however, a decision on the paper was deferred until the 25th session, which will be held in July 2004.

- *Packaging Type Indication on Shipping Papers, § 172.202.* In the July 31, 2003 final rule, we revised § 172.202(a)(6) by requiring the packaging type to be indicated on shipping papers by either the generic type (for example, "drum") or the specification number type (for example, "UN 1A1"). We received appeals from ATA and TCA requesting that we revise this amendment by requiring the generic packaging type to be mandatory for indication on shipping papers and for the specification number packaging type to be optionally included in parentheses following the generic packaging type. For example, "4 drums" or "4 drums (UN1A1)." The Dangerous Goods Advisory Council (DGAC) also submitted a comment supporting this requested revision.

The appellants state that the additional training that would be required to teach drivers to recognize specification number types would be costly and not practicable for the trucking industry and that the specification number types are not as easily recognizable as the generic type descriptions.

In developing the final rule, our intent was to provide flexibility by authorizing the use of either type of packaging description. We did not intend to impose additional burdens for training employees to recognize the specification numbers for the types of packagings. After reviewing this information, we agree with the appellants and conclude that the more easily recognizable generic type descriptions are also valuable to emergency responders who may not be familiar with packaging specification numbers. We are not, however, specifying that the specification number packaging type must be in parentheses following the generic description as requested by the appellants. To provide for flexibility and for persons who are currently including the specification number without the parentheses, we are providing for the specification number to be included in the description without imposing a format (for example, "12 drums," "12 1H1 drums," or "12 drums (1H1).") Based on the merits of the information brought to our attention