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## I. Prodedural Matters

### A. Regulatory Flexibility Act

1. A Regulatory Flexibility Analysis is not required because this order does not promulgate or revise any rules.

2. This action is taken pursuant to sections 4(i), 303, and 405 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. 154(i), 303, and 405.

## II. Ordering Clauses

3. The Petition for Reconsideration filed by Real Access Alliance, Inc., is denied.

4. The Petition for Partial Reconsideration filed by the Wireless Communications Association, Inc., is granted.

5. The Petition for Clarification and Partial Reconsideration filed by the Satellite Broadcasting Industry Association and Satellite Industry Association, Broadband and Internet Division, is granted.

6. The Petition for Reconsideration filed by Triton Network Systems, Inc., is granted.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04-12164 Filed 5-27-04; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 87

[WT Docket No. 98-20; RM-8677; FCC 98-234]

### Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** The Commission adopted a new rule requiring that each applicant for a unicom license, renewal or modification of frequency assignment at an airport which does not have a control

tower, Remote Communications Outlet or Federal Aviation Administration flight service station must certify in the application that either it has notified in writing the owner of the airport and all aviation service organizations located at the airport, or that such notice is not required because the applicant owns the airport and there are no organizations that should be notified. The rule contains new or modified information collection requirements and was published in the **Federal Register** on December 14, 1998. This document announces the effective date of that published rule.

**DATES:** The amendment to § 87.215(d) published at 63 FR 68957, December 14, 1998, became effective on February 19, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Tobias, [jeff.tobias@FCC.gov](mailto:jeff.tobias@FCC.gov), Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418-0680, or TTY (202) 418-7233.

**SUPPLEMENTARY INFORMATION:** On February 19, 1999, the Office of Management and Budget (OMB) approved the information collection requirements contained in section 87.215(d) pursuant to OMB Control No. 3060-0865. Accordingly the information collection requirements contained in this rule became effective on February 19, 1999.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04-12047 Filed 5-27-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 171, 173, 174, 175, 176, 177, and 178

[Docket No. RSPA-98-4952 (HM-223)]

RIN 2137-AC68

### Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage

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

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** On October 30, 2003, RSPA published a final rule (68 FR 61905) to clarify the applicability of the Hazardous Materials Regulations to loading, unloading, and storage

operations. RSPA is delaying the effective date of the final rule from October 1, 2004 to January 1, 2005.

**DATES:** The effective date of the final rule amending 49 CFR Parts 171, 173, 174, 175, 176, 177, and 178 published at 68 FR 61905 on October 30, 2003, is delayed until January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Susan Gorsky (202) 366-8553, Office of Hazardous Materials Standards, Research and Special Programs Administration; or Donna O'Berry (202) 366-4400, Office of the Chief Counsel, Research and Special Programs Administration.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On October 30, 2003, the Research and Special Programs Administration (RSPA, we) published a final rule to clarify the applicability of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) to specific functions and activities, including hazardous materials loading and unloading operations and storage of hazardous materials during transportation (68 FR 61906). The final rule amended the HMR to incorporate the following new definitions and provisions:

- We defined a new term—"pre-transportation function"—to mean a function performed by any person that is required to assure the safe transportation of a hazardous material in commerce. When performed by shipper personnel, loading of packaged or containerized hazardous material onto a transport vehicle, aircraft, or vessel and filling a bulk packaging with hazardous material in the absence of a carrier for the purpose of transporting it is a pre-transportation function as that term is defined in this final rule. Pre-transportation functions must be performed in accordance with requirements in the HMR.

- We defined "transportation" to mean the movement of property and loading, unloading, or storage incidental to the movement. This definition is consistent with the definition of "transportation" in Federal hazmat law. Transportation in commerce begins when a carrier takes physical possession of a hazardous material for the purpose of transporting it and continues until delivery of the package to its consignee or destination as evidenced by the shipping documentation under which the hazardous material is moving, such as shipping papers, bills of lading, freight orders, or similar documentation.

- We defined "movement" to mean the physical transfer of a hazardous