

Proposed Rule Making, MB Docket No. 02-365, adopted December 4, 2002, and released December 9, 2002. 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, 445 Twelfth Street, SW., Room CY-A257, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualtex 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 qualtexint@aol.com.

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 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 Arizona, is amended by removing Channel 237A at Douglas, and by adding Tombstone, Channel 237C.

3. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 237C1 at Santa Clara, and adding Channel 236C1.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02-32293 Filed 12-23-02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-3216; MB Docket No. 02-368, RM-10610; MB Docket No. 02-369, RM-10611; MB Docket No. 02-370, RM-10612]

Radio Broadcasting Services; Lockney, TX; Quitaque, TX; and Turkey, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes changes in the FM Table of Allotments in Lockney, TX, Quitaque, TX, and Turkey, TX. The Commission requests comment on a petition filed by Linda Crawford proposing the allotment of Channel 271C3 to Lockney, Texas, as Lockney's first local aural broadcast service. Channel 271C3 can be allotted to Lockney in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.8 km (3.0 miles) southeast of Lockney at reference coordinates of 34-05-27 North Latitude and 101-24-24 West Longitude. The proposed allotment is mutually-exclusive with the proposal to add Channel 272A at Quitaque, Texas (MB Docket No. 02-369, RM-10611). See **SUPPLEMENTARY INFORMATION** *infra*.

DATES: Comments must be filed on or before January 30, 2003, and reply comments on or before February 14, 2003.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners as follows: Linda Crawford, 3500 Maple Avenue, #1320, Dallas, TX 75219; and Maurice Salsa, 5615 Evergreen Valley Drive, Kingwood, TX 75345.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 02-368, 02-369, and 02-370; adopted December 4, 2002, and released December 9, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualtex International, Portals II, 445 12th Street,

SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893.

The Commission requests comment on a petition filed by Maurice Salsa proposing the allotment of Channel 272A at Quitaque, Texas, as the community's first local aural transmission service. Channel 272A can be allotted to Quitaque in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.2 km (8.8 miles) northeast of Quitaque. The coordinates for Channel 259C2 at Quitaque would be 34-25-51 North Latitude and 100-55-25 West Longitude. The proposed allotment is mutually-exclusive with both the proposal to add Channel 271C3 at Lockney, Texas (MB Docket No. 02-368, RM-10610) and the proposal to add Channel 269A at Turkey, Texas (MB Docket No. 02-370, RM-10612).

The Commission further requests comment on a petition filed by Linda Crawford proposing the allotment of Channel 269A at Turkey, Texas, as the community's first local aural transmission service. (A rulemaking is pending in another proceeding to consider allocation of Channel 239A as a first FM transmission service.) Channel 269A can be allotted to Turkey in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.5 km (9.0 miles) southwest of Turkey. The coordinates for Channel 253A at Rule are 34-17-32 North Latitude and 100-59-52 West Longitude. The proposed allotment is mutually-exclusive with the proposal to add Channel 272A at Quitaque, Texas (MB Docket No. 02-369, RM-10611).

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 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 Texas, is amended by adding Lockney, Channel 271C3, Quitaque, Channel 272A, and Turkey, Channel 269A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02–32289 Filed 12–23–02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 10**

[Docket No. OST–1996–1437]

RIN 2105–AD22

Privacy Act of 1974; Implementation

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: DOT proposes to add three systems of records to the list of DOT Privacy Act Systems of Records that are exempt from one or more provisions of the Privacy Act, and to add exemptions from 5 U.S.C. 552a(e)(1) to the General Exemptions, and to the (k)(2) portions of the Specific Exemptions. Public comment is invited.

DATES: Comments are due February 24, 2003.

ADDRESSES: Comments should be addressed to Documentary Services Division, Attention: Docket Section, Room PL–401, Docket No. OST–1996–1437, Department of Transportation, SVC–124, Washington, DC 20590. Any person wishing acknowledgment that his/her comments have been received should include a self-addressed stamped postcard. Comments received will be available for public inspection and copying in the Documentary Services Division, Room PL401, Department of Transportation Building, 400 Seventh Street, SW., Washington, DC, from 9 a.m. to 5 p.m. ET Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Yvonne Coates, Office of the Chief Information Officer, Department of Transportation, Washington, DC (202) 366–6964.

SUPPLEMENTARY INFORMATION: 1.

Additional exempt systems. It is DOT practice to identify a Privacy Act system of records that is exempt from one or more provisions of the Privacy Act (pursuant to 5 U.S.C. 552a(j) or (k)) both in the system notice published in the **Federal Register** for public comment and in an Appendix to DOT's regulations implementing the Privacy Act (49 CFR Part 10, Appendix). This amendment proposes exemption from portions of the Privacy Act of three proposed Transportation Security Administration (TSA) systems, whose establishment is currently the subject of public comment—

1. The Transportation Security Enforcement Record System (TSER) (DOT/TSA 001) would enable the Transportation Security Administration (TSA) to maintain a civil enforcement and inspections system for all modes of transportation for which TSA has security-related duties. This system covers information regarding violations and potential violations of TSA security regulations (TSRs), and may be used, generally, to review, analyze, investigate, and prosecute violations of TSRs.

2. To facilitate TSA's performance of employment investigations for transportation workers, as required by 49 U.S.C. 114 and 44936, a system is proposed to be known as the Transportation Workers Employment Investigations system (TWEI) (DOT/TSA 002).

3. To facilitate TSA's performance of employment investigations for its own workers, a system to be known as the Personnel Background Investigation Files System (PBIFS) (DOT/TSA 004) is proposed.

To aid in the national security and law enforcement aspects of two of the proposed systems, TSERS and TWEI, DOT proposes to treat them as it treats other law enforcement systems, by exempting them from the following provisions of the Privacy Act: (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(1) (Relevancy and Necessity of Information), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) (1) to the extent that TWEI contains information properly classified in the interest of national security, in accordance with 5 U.S.C. 552a(k)(1), (2) and to the extent that TSER and TWEI contain investigatory material compiled for law enforcement purposes, in accordance with 5 U.S.C. 552a(k)(2)

DOT proposes to exempt the other proposed system, PBIF, from the following provisions of the Privacy Act: (c)(3) (Accounting of Certain

Disclosures, and (d) (Access to records) to the extent that PBIFS contains (1) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a confidential source, in accordance with 5 USC 552a(k)(5) or (2) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process, in accordance with 5 USC 552a(k)(6).

2. *Addition of (e)(1) exemption.* As can be seen from the existing text accompanying DOT's General Exemptions, our intention initially was to include (e)(1) (Relevancy and Necessity of Information) among those provisions of the Privacy Act from which our generally exempted systems are exempt. As we say in that text, it is often very difficult in the early stages of a law enforcement exemption to know what information is relevant and necessary; as the investigation progresses, that becomes clearer, and extraneous information is then culled from the appropriate file. To cover the early stages of an investigation, however, we need the (e)(1) exemption, and propose here to invoke it for our generally exempted record systems.

Similarly, we propose to invoke the (e)(1) exemption for those of our record systems exempt pursuant to 5 U.S.C. 552a(k)(2), which has a strong analogy to the (j)(2) general exemptions.

Analysis of Regulatory Impacts

This proposal is not a "significant regulatory action" within the meaning of Executive Order 12886. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, I certify that this proposal would not have a significant economic impact on a substantial number of small entities, because the reporting requirements, themselves, are not changed and because it applies only to information on individuals.

This proposal would not significantly affect the environment, and therefore an environmental impact statement is not required under the National