

(b) *Separate books, records, and accounts.* A section 272 affiliate shall maintain books, records, and accounts, which shall be separate from the books, records, and accounts maintained by the BOC of which it is an affiliate.

(c) *Separate officers, directors, and employees.* A section 272 affiliate shall have separate officers, directors, and employees from the BOC of which it is an affiliate.

(d) *Credit arrangements.* A section 272 affiliate shall not obtain credit under any arrangement that would permit a creditor, upon default, to have recourse to the assets of the BOC of which it is an affiliate.

(e) *Arm's-length transactions.* A section 272 affiliate shall conduct all transactions with the BOC of which it is an affiliate on an arm's length basis, pursuant to the accounting rules described in § 32.27 of this chapter, with any such transactions reduced to writing and available for public inspection.

§ 53.205 Fulfillment of certain requests. [Reserved]

§ 53.207 Successor or assign.

If a BOC transfers to an unaffiliated entity ownership of any network elements that must be provided on an unbundled basis pursuant to section 251(c)(3) of the Act, such entity will be deemed to be an "assign" of the BOC under section 3(4) of the Act with respect to such transferred network elements. A BOC affiliate shall not be deemed a "successor or assign" of a BOC solely because it obtains network elements from the BOC pursuant to section 251(c)(3) of the Act.

Subpart D—Manufacturing by Bell Operating Companies

§ 53.301 [Reserved]

Subpart E—Electronic Publishing by Bell Operating Companies

§ 53.401 [Reserved]

Subpart F—Alarm Monitoring Services

§ 53.501 [Reserved]

[FR Doc. 97-1390 Filed 1-17-97; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-105; RM-8793 and RM-8852]

Radio Broadcasting Services; Ely, Hermantown & Pine City, MN and Siren, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document substitutes Channel 221C3 for Channel 221A at Hermantown, Minnesota, in response to a petition filed by Harbor Broadcasting, Inc. See 61 FR 24262, May 14, 1996. In accordance with Section 1.420(g) of the Commission's Rules we shall also modify the construction permit for Channel 221A to specify operation on Channel 221C3. The coordinates for Channel 221C3 are 46-49-30 and 92-17-00. To accommodate the upgrade at Hermantown, we shall substitute Channel 233A for Channel 221A, Ely, Minnesota, at coordinates 47-53-40 and 91-51-50, and modify the construction permit for Station WELY-FM accordingly. We shall also substitute Channel 265A for Channel 221A at Pine City, Minnesota, at coordinates 45-54-07 and 92-57-25, and modify the license for Station WCMP-FM accordingly. In response to a counterproposal filed by Badger Broadcasting Corporation, we shall allot Channel 289A to Siren, Wisconsin, at coordinates 45-50-56 and 92-27-13. There is a site restriction 8 kilometers (5 miles) northwest of the community. Canadian concurrence has been obtained for each of the above allotments. With this action, this proceeding is terminated.

DATES: Effective February 24, 1997. The window period for filing applications for Channel 289A at Siren, Wisconsin, will open on February 24, 1997, and close on March 27, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 96-105, adopted January 3, 1997, and released January 10, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's 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 Services, Inc., 2100 M

Street, NW., Suite 140, Washington, DC, 20037, (202)857-3800.

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: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 221A and adding Channel 233A at Ely, removing Channel 221A and adding Channel 221C3 at Hermantown, and removing Channel 221A and adding Channel 265A at Pine City.

3. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Siren, Channel 289A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-1095 Filed 1-17-97; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-134; RM 8679, 8720]

Radio Broadcasting Services; Sanford, Robbins, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a counterproposal allotting Channel 276A at Robbins, North Carolina, as the community's first local aural transmission service at the request of WWGP Broadcasting Corp. See 60 FR 44003 (August 24, 1995). This document also denies a petition for rule making filed by Woolstone Corporation requesting allotment of Channel 276A at Sanford, North Carolina and an alternative proposal filed by WWGP Broadcasting requesting substitution of Channel 276A for Channel 288A at Sanford, deletion of Channel 288A from FM Table of Allotments, and modification of license of Station WFJA(FM) to specify Channel 276A. Channel 276A can be allotted at Robbins without a site restriction at coordinates 35-25-48 and 79-34-48.

DATES: Effective February 24, 1997. The window period for filing applications

for Channel 276A at Robbins, North Carolina, will open on February 24, 1997, and close on March 27, 1997.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418-2130. Questions related to the window application filing process for Channel 276A at Robbins, North Carolina, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 95-134, adopted January 3, 1997 and released January 10, 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 D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, D.C. 20037.

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: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by adding Robbins, Channel 276A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-1098 Filed 1-17-97; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107 and 171

[Docket No. HM-207F; Amdt. Nos. 107-40; 171-152]

RIN 2137-AC96

Hazardous Materials Regulations; Penalty Guidelines

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

ACTION: Final rule.

SUMMARY: In this final rule, RSPA is increasing the maximum civil penalty, from \$25,000 to \$27,500, for a knowing violation of Federal hazardous materials transportation law or the Hazardous Materials Regulations. RSPA is also publishing revised baseline assessments for frequently cited violations of the Hazardous Materials Regulations, in order to provide the regulated community and the general public with more current information on RSPA's hazardous material penalty assessment process. These revisions to RSPA's baseline penalty assessments consider the increase in the maximum civil penalty to \$27,500.

EFFECTIVE DATE: This rule is effective January 21, 1997.

FOR FURTHER INFORMATION CONTACT: John J. O'Connell, Jr., Office of Hazardous Materials Enforcement, (202) 366-4700; or Edward H. Bonekemper, III, Office of the Chief Counsel, (202) 366-4400, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

I. Increase in Maximum Penalty

Under Section 4 of the Federal Civil Penalties Inflation Act of 1990 (the Act), 28 U.S.C. 2461 note, as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134), all Federal agencies must adjust civil penalties they administer to consider the effects of inflation. These adjustments were to be made no later than October 23, 1996, and must be made at least once every 4 years thereafter, and must be published in the Federal Register. A formula for determining the amount of a periodic adjustment in civil penalty amounts is set forth in Section 5 of the Act; however, the 1996 amendment provided that the initial adjustment may not exceed 10 percent. Any increased civil penalty amount applies only to violations that occur after the date the increase takes effect.

The Credit and Debt Management Division of the Department of the Treasury's Financial Management Service has calculated that the new maximum civil penalty for a knowing violation of the Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.* or the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, is \$27,500. To carry out the statutory mandate, RSPA is adding a new § 171.1(c) to the HMR specifying that the maximum civil penalty for violations of the Federal hazardous

materials transportation law or the HMR, that occur after January 21, 1997, is \$27,500. RSPA is also amending the references to the maximum civil penalty in § 107.329 and Appendix A to Part 107, subpart D, to set forth the increased maximum civil penalty applicable to violations that occur after January 21, 1997. In a future rulemaking, RSPA will propose changes to other sections of the HMR that refer to the maximum civil penalty.

There is no change in the statutory minimum \$250 civil penalty for a knowing violation of the Federal hazardous material transportation law or HMR.

II. Revisions to Civil Penalty Baseline Guidelines

On March 6, 1995, RSPA published its hazardous material transportation enforcement civil penalty guidelines as Appendix A to 49 CFR Part 107, subpart D, in response to a request contained in Senate Report 103-150 that accompanied the Department of Transportation and Related Agencies Appropriations Act of 1994. See Docket No. HM-207D, 60 FR 12139. Publication of these guidelines provides the regulated community and the general public with information concerning the manner in which RSPA generally begins its hazmat penalty assessment process and the types of information that respondents in enforcement cases should provide to justify reduction of proposed penalties.

At that time, RSPA explained that its enforcement personnel and attorneys use these guidelines as a partial means of determining a baseline civil penalty for selected violations of the HMR or the Federal hazardous material transportation law. RSPA also explained that the penalty guidelines are periodically updated and were being published as they existed on January 18, 1995. As a general statement of agency policy and practice, these guidelines are informational, impose no requirements, are not finally determinative of any issues or rights, and do not have the force of law. For a further discussion of the nature and RSPA's use of these penalty guidelines, as a statement of agency policy for which no notice of proposed rulemaking is necessary, please see the preamble of the March 6, 1995 final rule. 60 FR 12139-40.

This final rule publishes revisions that RSPA has made to the List of Frequently Cited Violations, and their baseline assessments, since publication of the penalty guidelines in March 1995. These revisions to Part II of the guidelines were the result of an overall review RSPA conducted of its penalty