

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by adding Murdo, Channel 285A.

Federal Communications Commission.

**John A. Karousos,**

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

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**FEDERAL COMMUNICATIONS COMMISSION**
**47 CFR Part 73**

[MM Docket No. 97-177; RM-9131]

**Radio Broadcasting Services; Kenova, WV**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Billy R. Evans, allots Channel 250A at Kenova, West Virginia, as the community's first local aural transmission service. See 62 FR 44434, August 21, 1997. Channel 250A can be allotted to Kenova in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.5 kilometers (1.6 miles) south to avoid a short-spacing to the licensed site of Station WZQQ(FM), Channel 250C3, Hyden, Kentucky. The coordinates for Channel 250A at Kenova are North Latitude 48-22-38 and West Longitude 82-34-33. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** April 20, 1998. A filing window for Channel 250A at Kenova, West Virginia, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 97-177, adopted February 25, 1998, and released March 6, 1998. 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

**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:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by adding Kenova, Channel 250A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 98-6512 Filed 3-12-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**
**Federal Highway Administration**
**49 CFR Part 386**

RIN 2105-AC63

**Civil Penalties**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This document specifies the civil penalties for violating the FHWA regulations, as adjusted for inflation in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The inflation adjustments are reflected in this rulemaking. Technical amendments to the regulation are required by the statute which mandates that all civil penalties within the jurisdiction of a Federal agency be adjusted for inflation by regulation.

**DATES:** The effective date is March 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Medalen, Office of the Chief Counsel, FHWA, telephone (202) 366-1354; or David M. Lehrman, Office of Motor Carrier Research and Standards, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590; (202) 366-0994. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**
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**The Debt Collection Improvement Act of 1996**

In order to preserve the remedial impact of civil penalties and foster compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, 104 Stat. 890), as amended by the Debt Collection Improvement Act of 1996 (the Act) (Pub. L. 104-134, 110 Stat. 1321-358, -373), requires Federal agencies to regularly adjust certain civil penalties for inflation. As amended, the law requires each agency to make an initial inflationary adjustment for all applicable civil penalties, and to make further adjustments at least once every four years of these penalty amounts.

The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in a civil penalty due to the calculated inflation adjustments: (i) Should apply only to violations that occur after October 23, 1996, the Act's effective date; and (ii) should not exceed 10 percent of the penalty indicated in authorizing legislation.

**Method of Calculation**

Under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, the inflation adjustment for each applicable civil penalty is determined by increasing the maximum civil penalty amount per violation by the cost-of-living-adjustment. The "cost-of-living" adjustment is defined as the amount by which the Consumer Price Index (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the year in which the amount of such civil penalty was last set or adjusted pursuant to law. Any calculated increase under this adjustment is subject to a specific rounding formula set forth in the Debt Collection Improvement Act of 1996.

For example, pursuant to 49 U.S.C. 5123, the FHWA may assess a fine for violation of the Federal Hazardous Materials Regulations (HMR) (49 CFR 171-180). The driver, motor carrier, or shipper who violates the HMR is subject to a civil penalty of not less than \$250 and not more than \$25,000 for each violation.