

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 73

[MM Docket No. 96-7; RM-8732, RM-8845
and MM Docket No. 96-12; RM-8741]

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

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of LifeTalk Broadcasting Association, allots Channel *268C3 to The Dalles, Oregon, as the community's first local noncommercial educational FM channel. See 61 FR 6336, February 20, 1996. Channel 268C3 can be allotted to The Dalles in compliance with the Commission's minimum distance separation requirements with a site restriction of 20.3 kilometers (12.6 miles) east, at coordinates 45-34-00 NL; 120-55-00 WL, because it does not require the use of more than conventional facilities to provide the entire community with a city-grade 70 dBu signal. At the request of American Radio Systems License Corp. and Combined Communications, Inc., the Commission substitutes Channel 298C1 for Channel 298C2 at Banks, Oregon, modifies the license of Station KBBT-FM to specify operation on the higher powered channel, substitutes Channel 269C2 for Channel 298C2 at Redmond, Oregon, and modifies the license of Station KLRR to specify the alternate Class C2 channel. See 61 FR 4950, February 9, 1996. Channel 298C1 can be allotted to Banks at Station KBBT-FM's licensed transmitter site, 45-31-22 NL; 122-45-07 WL. Channel 269C2 can be allotted to Redmond at Station KLRR's licensed transmitter site, 44-04-41 NL; 121-19-57 WL. At the request of Hurricane Broadcasting, Inc., Channel 224C2 is allotted to Sunriver, Oregon, without the imposition of a site restriction, at coordinates 43-52-00 NL; 121-30-00. These allotments were found to better serve the public interest than the conflicting one-step upgrade application of Madgekal Broadcasting, Inc., licensee of Station KFLY, to substitute Channel 268C for Channel 268C2 at Corvallis, Oregon, and modify the station's license accordingly. The settlement agreement submitted by American Radio Systems/Combined Communications and Madgekal Broadcasting, Inc., is not approved. With this action, this proceeding is terminated.

DATES: Effective May 18, 1998. A filing window for Channel 224C2 at Sunriver, Oregon, 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. However, since the allotment of Channel *268C3 at The Dalles, Oregon, has been reserved for noncommercial educational use, applications for Channel *268C3 at The Dalles may be filed and will be processed in accordance with the cut-off procedures for noncommercial educational FM applications.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket Nos. 96-7 and 96-12, adopted March 25, 1998 and released April 3, 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 contractor, International Transcription Services, 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 Oregon, is amended by adding Channel 298C1 at Banks, adding Channel 269C2 at Redmond, adding Sunriver, Channel 224C2, and adding Channel *268C3 at The Dalles.

Federal Communications Commission.

John A. Karousos,

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

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1039

[STB Ex Parte No. 561]

**Rail General Exemption Authority—
Nonferrous Recyclables**

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is exempting from regulation 29 nonferrous recyclable commodity groups, because their regulation is unnecessary under the exemption statute.

EFFECTIVE DATE: These rules are effective May 21, 1998.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking served May 5, 1997, and published in the **Federal Register** on May 16, 1997 (62 FR 27003) ('97 NPR), we sought comments on whether to exempt from regulatory oversight rail transportation of 29 nonferrous recyclable commodity groups listed at the end of this document. Comments were filed by the Association of American Railroads (AAR), the American Forest and Paper Association (AF&PA), the Institute of Scrap Recycling Industries, Inc. (ISRI), and Joseph C. Szabo, for and on behalf of United Transportation Union-Illinois Legislative Board (UTU-IL). Replies were filed by the AAR and UTU-IL.

Based on the record, we conclude that the proposed exemption is warranted.

Background

In *Rail General Exemption Authority—Exemption of Nonferrous Recyclables and Railroad Rates on Recyclable Commodities*, Ex Parte No. 346 (Sub-No. 36), served August 23, 1994, and published in the **Federal Register** on August 24, 1994 (59 FR 43529) ('94 NPR), the Interstate Commerce Commission proposed to exempt, from all regulation except the special maximum rate cap of former 49 U.S.C. 10731(e),¹ the rail transportation of 28 nonferrous recyclable commodity groups. The '94 NPR was issued in response to an April 1994 petition filed

¹ Former section 10731(e) provided that "[n]otwithstanding any other provision of this subtitle or any other law," including the agency's exemption authority, rates for the transportation of nonferrous recyclable or recycled materials had to be set at or below levels that would permit the rail industry to recover its fully allocated costs.