

(b) BLM will disapprove an application if:

(1) The application pertains to a security interest or water rights; or,

(2) The application pertains to trust or restricted Indian lands.

(c) BLM will, if the application meets the requirements for further processing, determine the amount of deposit we need to cover the administrative costs of processing the application and issuing a disclaimer.

(d) The applicant must submit a deposit in the amount BLM determines.

(e) If the application includes what may be omitted lands, BLM will process it in accordance with the applicable provisions of part 9180 of this title. If BLM determines the application involves omitted lands, BLM will notify the applicant in writing.

[FR Doc. 02-4137 Filed 2-21-02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-297; MM Docket Nos. 02-23, 02-24, 02-25, 02-26; RM-10359-10362]

Radio Broadcasting Services; Keeseville, New York, Hartford and White River Junction, Vermont; Harrodsburg and Keene, Kentucky; Beverly Hills and Spring Hill, Florida; Bridgeton and Elmer, New Jersey

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment in four separate docket proceedings in a multiple docket *Notice of Proposed Rule Making*. (1) At the request of Great Northern Radio, LLC and Family Broadcasting, Inc., the Commission proposes to reallocate Channel 282C3 from Hartford, Vermont to Keeseville, New York and Channel 237A from White River Junction to Hartford, and modify the licenses of Stations WSSH(FM) and WWOD(FM) to reflect the changes. Coordinates for Channel 237A at Hartford are 43-43-45 NL and 72-22-22 WL. Coordinates for Channel 282C3 at Keeseville are 44-31-31 NL and 73-31-07 WL. Channel 237A can be allotted at Hartford at a site 8.1 kilometers (5.0 miles) north of the community. Channel 282C3 can be allotted at Keeseville at a site 3.8 kilometers (2.3 miles) northwest of the community. These proposals are within 320 kilometers of the Canadian border. Therefore, Canadian

concurrence has been requested. (2) At the request of Mortenson Broadcasting Company of Central Kentucky, LLC, the Commission proposes to substitute Channel 256A for Channel 257C3 at Harrodsburg, and reallocate Channel 256A from Harrodsburg, to Keene, Kentucky, as the community's first local transmission service, and modify the license of Station WJMM-FM to reflect the changes. Coordinates for Channel 256A at Keene are 37-56-36 NL and 84-38-31 WL. Channel 256A can be allotted at Keene, Kentucky without a site restriction. See Supplementary Information.

DATES: Comments are due on April 1, 2002, and reply comments are due on April 16, 2002.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418-2180.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, parties interested in MM Docket 02-23 should serve petitioners, Great Northern Radio, LLC and Family Broadcasting, Inc., or its counsel or consultant, as follows: David G. O'Neill, Jonathan E. Allen, Manatt, Phelps & Phillips, 1501 M Street, NW., Suite 700, Washington, DC 20005-1702. Parties interested in MM Docket No. 02-24 should serve petitioner Mortenson Broadcasting Company of Central Kentucky, LLC, or its counsel or consultant, as follows: Jerrold Miller, Miller & Miller, P.C., P.O. Box 33003, Washington, DC 20033. Parties interested in MM Docket No. 02-25 should serve petitioner WGUL-FM, Inc., or its counsel or consultant, as follows: James A. Koerner, Koerner & Olender, P.C., 5809 Nicholson Lane, Suite 124, North Bethesda, MD 20852. Parties interested in MM Docket No. 02-26 should serve petitioner, Cohanzick Broadcasting Corp., or its counsel or consultant, as follows: Marnie Sarver, Wiley Rein & Fielding, LLP, 1776 K Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket Nos. 02-23, 02-24, 02-25, 02-26, adopted January 30, 2002, and released February 8, 2002. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex 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 *qualexint@aol.com*.

(3) At the request of WGUL-FM, Inc., the Commission proposes to reallocate Channel 292C3 from Beverly Hills, Florida, to Spring Hill, Florida, as its first local transmission service, and modify Station WGUL-FM's license to reflect the changes. Coordinates for Channel 292C3 at Spring Hill, Florida are 28-36-00 NL and 82-33-45 WL. Channel 292C3 can be allotted at Spring Hill at a site 12.0 kilometers (7.5 miles) northwest of the community. (4) At the request of Cohanzick Broadcasting Corp., we propose to reallocate Channel 299B from Bridgeton to Elmer, New Jersey, as that community's first local transmission service, and modify the license of Station WSNJ-FM to reflect the changes. Coordinates for Channel 299B at Elmer are 39-27-32 NL and 75-12-12 WL. Channel 299B can be allotted at Elmer, New Jersey at Cohanzick's current transmitter site 15.4 kilometers (9.6 miles) south of the community.

List of Subjects in 47 CFR Part 73

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, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Vermont, is amended by removing Channel 282A3 and adding Channel 237A at Hartford, and removing White River Junction, Channel 237A.

3. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Keeseville, Channel 282C3.

4. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Harrodsburg, Channel 257C3, and adding Keene, Channel 256A.

5. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Beverly Hills, Channel 292C3, and adding Spring Hill, Channel 292C3.

6. Section 73.202(b), the Table of FM Allotments under New Jersey, is amended by removing Bridgeton, Channel 299B, and adding Elmer, Channel 299B.

Federal Communications Commission.

John A. Karousos,

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

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 177

[Docket No. RSPA-01-10533 (HM-218A)]

RIN 2137-AD44

Transportation of Hazardous Materials; Unloading of Intermodal (IM) Portable Tanks on Transport Vehicles

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA proposes to amend the Hazardous Materials Regulations to permit, for an interim period and subject to certain unloading conditions, the unloading of intermodal (IM) portable tanks transporting certain liquid hazardous materials that are not equipped with a thermal means of remote activation of the internal self-closing stop-valves fitted on the bottom discharge outlets. Permitting such unloading for an interim period would afford operators time to bring the IM portable tanks into conformance with the regulations.

DATES: Comments must be received by April 8, 2002.

ADDRESSES: Address your comments to the Dockets Management System, U.S. Department of Transportation, 400 Seventh St., SW., Room PL 401, Washington, DC 20590-0001. Comments must identify Docket Number RSPA-01-10533 (HM-218A). If you wish to receive confirmation of receipt of your comments, include a self-addressed, stamped postcard. You may also submit and review all comments by accessing the Dockets Management System's website at <http://dms.dot.gov>. The Dockets Management System is located on the Plaza Level of the Nassif Building at the above address. You may view public dockets between the hours of 9 a.m. and 5 p.m., Monday through Friday, except on federal holidays.

FOR FURTHER INFORMATION CONTACT: Joan McIntyre, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S.

Department of Transportation, 400 Seventh St., SW., Washington, DC 20590-0001, telephone (202) 366-8553.

SUPPLEMENTARY INFORMATION:

I. Background

In this NPRM, the Research and Special Programs Administration (RSPA) (hereafter, "we" means RSPA) addresses the appeal of a denial of a petition for reconsideration and a petition for rulemaking. Both of these actions are regarding the provisions in § 177.834(o) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), permitting an IM portable tank to be unloaded while it remains on a transport vehicle.

On July 10, 1998, we published a final rule under Docket RSPA-97-2905 (HM-166Y; 63 FR 37454) amending the HMR by incorporating miscellaneous changes based on petitions for rulemaking and our own initiative. The effective date of the final rule was October 1, 1998. Among other provisions, the final rule allows an IM portable tank transporting a liquid hazardous material that is flammable, pyrophoric, oxidizing, or toxic, to be unloaded while remaining on a transport vehicle with the power unit attached, provided the outlet requirements in 49 CFR 178.345-11 and the attendance requirements in 49 CFR 177.834(i) are met. Section 178.345-11 includes requirements for loading/unloading outlets on cargo tanks to be equipped with self-closing systems with remote means of closure capable of thermal activation at temperatures not exceeding 250°F. Section 177.834(i) includes requirements for ensuring that cargo tanks are attended by a qualified person during loading and unloading.

We received three petitions for reconsideration to the July 10, 1998, final rule. The Dangerous Goods Advisory Council (DGAC), the Tank Container Association (TCA), and Merck & Co., Inc. requested a 2½ year extension of the compliance date, stating it was not feasible to equip existing IM portable tanks with fusible links by October 1, 1998. On October 30, 1998, we published a final rule (HM-166Y; 63 FR 58323) denying the three petitions for reconsideration to the July 10, 1998, final rule. The denial was based on our belief that unloading an IM portable tank in the same manner as a cargo tank, but without the same outlet requirements, poses increased safety risks in a fire situation when an operator is not able to manually activate the closure.

After publication of the October 30, 1998, final rule, we received an appeal of the denial of the petitions for reconsideration from TCA, reiterating

the request for extending the compliance date for 2½ years. We also received a petition for rulemaking from the DGAC, requesting we adopt operating conditions for unloading an IM portable tank with no thermal means of remote activation of the internal self-closing stop-valves installed on the bottom discharge outlets, when it is on a transport vehicle. DGAC suggested these unloading operations be permitted only at facilities:

1. Equipped with fire suppression systems as required by the Department of Labor's Occupational Safety and Health Administration (OSHA) regulations codified at 29 Code of Federal Regulations (CFR) 1910.106;

2. Providing static electricity protection and bonding as required by 29 CFR 1910.106;

3. Implementing emergency response plans and procedures in accordance with OSHA regulations codified at 29 CFR 1910.120;

4. Conforming to the OSHA process safety management standards, codified at 29 CFR 1910.119, the Environmental Protection Agency (EPA) risk management regulations, codified at 40 CFR Part 68, or an equivalent program; and

5. Prohibiting public access to the unloading area.

In addition, the operator would be required to comply with the attendance requirements in § 177.834(i) of the HMR.

DGAC stated its recommended operating restrictions would ensure an equivalent level of safety to the outlet requirements in § 178.345-11. DGAC suggested these operating restrictions could be adopted on an interim basis to provide sufficient time for operators to equip their IM portable tanks with the outlet requirement. In a subsequent submission, DGAC requested a three-year extension of the compliance date to assure sufficient time for operators to equip all affected IM portable tanks.

The intent of the unloading provision in the July 10, 1998, final rule was to provide regulatory relief for operators of IM portable tanks equipped with a thermal means of remote activation of the internal self-closing stop-valves fitted on the bottom discharge outlets. We continue to believe if a portable tank is to be unloaded in the same manner as a cargo tank, it should be equipped with the same emergency shutdown devices required for cargo tanks. However, after re-examining the issues raised by DGAC and TCA, we are proposing to permit, for an interim period, an IM portable tank not currently equipped with a thermal means of remote activation of the