

DTV channel \*58 as WCMV-DT paired DTV allotment; and the substitution of DTV channel \*58 for DTV channel \*17 as WCMW-DT's paired DTV allotment. DTV Channel \*17 can be allotted to Cadillac in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 44-44-53 N. and 85-04-08 W. with a power of 500 and a height above average terrain (HAAT) of 399 meters. DTV channel \*58 can be allotted to Manistee in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 44-03-57 N. and 86-19-58 W. with a power of 200 and a height above average terrain (HAAT) of 104 meters. Since the communities of Cadillac and Manistee are located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government must be obtained for these allotments.

**DATES:** Comments must be filed on or before April 29, 2002, and reply comments on or before May 14, 2002.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Todd D. Gray, Margaret L. Miller, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036-6802 (Counsel for Central Michigan University).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 02-45, adopted March 1, 2002, and released March 6, 2001. The full text of this document is available for public inspection and copying during regular business hours in 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](mailto:qualexint@aol.com).

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

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

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

##### **§73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under Michigan is amended by removing DTV Channel \*58 and adding DTV Channel \*17 at Cadillac; and by removing DTV channel \*17 and adding DTV channel \*58 at Manistee.

Federal Communications Commission.

**Barbara A. Kreisman,**  
Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 02-5709 Filed 3-8-02; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 02-409; MM Docket No. 02-40; RM-10377]

##### Radio Broadcasting Services; Goldsboro and Smithfield, North Carolina

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of New Age Communications, Inc., licensee of Station WKIX(FM), Channel 272A, Goldsboro, North Carolina, requesting the reallocation of Channel 272A from Goldsboro to Smithfield, North Carolina, and modification of its authorization accordingly, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. The coordinates for requested Channel 272A at

Smithfield, North Carolina, are 35-28-21 NL and 78-19-43 WL.

Petitioner's reallocation proposal complies with the provisions of section 1.420(i) of the Commission's Rules, and therefore, the Commission will not accept competing expressions of interest in the use of Channel 272A at Smithfield, North Carolina, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before April 8, 2002, and reply comments on or before April 23, 2002.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Wade H. Hargrove, Esq. and David Kusher, Esq., Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.; P.O. Box 1800; Raleigh, North Carolina 27602.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 02-40, adopted February 13, 2002, and released

February 22, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW, CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractors, 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](mailto:qualexint@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 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]**

1. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by adding Smithfield, Channel 272A, and removing Channel 272A at Goldsboro.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 02-5710 Filed 3-8-02; 8:45 am]

**BILLING CODE 6712-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **49 CFR Part 538**

**[Docket No.: NHTSA-2001-10774; Notice 2]**

**RIN 2127-AI41**

#### **Automotive Fuel Economy Manufacturing Incentives for Alternative Fuel Vehicles**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** To provide an incentive for the production of vehicles that can operate on certain alternative fuels as well as on regular petroleum fuels, Congress established a special procedure for calculating the fuel economy of those vehicles for the purpose of determining compliance with the Corporate Average Fuel Economy standards. This procedure increases the fuel economy attributed to such "dual-fueled" vehicles, thus facilitating compliance with those standards. By statute, the incentive is available through the end of the 2004 model year and may be extended by up to four additional years through rulemaking.

This document proposes to extend the availability of the incentive by four years, i.e., through the end of the 2008 model year.

**DATES:** Comments must be received on or before April 10, 2002.

**ADDRESSES:** You may submit your comments in writing to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

Alternatively, you may submit your comments electronically by logging onto the Docket Management System (DMS) Website at <http://dms.dot.gov>. Click on "Help & Information" or "Help/Info" to view instructions for filing your comments electronically. Regardless of how you submit your comments, you should mention the docket number of this document. You can find the number at the beginning of this document.

Docket hours are 9 a.m. to 5 p.m.

Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590:

For non-legal issues: Mr. Kenneth Katz, Consumer Programs Division, Office of Planning and Consumer Programs, NPS-32, Room 5320, telephone (202) 366-4936, facsimile (202) 493-2290.

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC-20, Room 5219, telephone (202) 366-5263, facsimile (202) 366-3820.

#### **SUPPLEMENTARY INFORMATION:**

##### **Table of Contents**

- I. Summary of Agency Proposal
- II. Background
  - A. Statutory Background
  - B. Report To Congress
  - C. Other Developments
  - D. U.S. Dependence on Imported Petroleum
  - E. Availability and Use of Alternative Fuels
- III. Agency Proposal
- IV. Benefits and Costs
- V. Rulemaking Notices and Analyses
  - A. Executive Order 12866 and DOT Regulatory Policies and Procedures
  - B. Regulatory Flexibility Act
  - C. National Environmental Policy Act
  - D. Executive Order 13132 (Federalism)
  - E. Civil Justice Reform
  - F. Paperwork Reduction Act
  - G. National Technology Transfer and Advancement Act
  - H. Unfunded Mandates Reform Act
  - I. Plain Language
  - J. Regulation Identifier Number (RIN)
- VI. Preparation and Submission of Comments

#### **I. Summary of Agency Proposal**

Congress created the Corporate Average Fuel Economy (CAFE) program when it enacted the Energy Policy and Conservation Act of 1975 (Pub. L. 94-163; Dec. 22, 1975). The CAFE statutory provisions, now codified in Chapter 329 of Title 49 of the United States Code (49

U.S.C. 32901 *et seq.*), mandate fuel economy standards that must be met by vehicle manufacturers. These standards apply separately to each manufacturer's annual fleet of passenger cars and to its annual fleet of light trucks under 8,500 lbs. gross vehicle weight rating, instead of applying to individual vehicles. Each manufacturer's average fuel economy is determined by the Environmental Protection Agency in accordance with procedures set forth in 49 U.S.C. 32904. Those procedures provide for determining the fuel economy of a manufacturer's model types produced in a particular model year and calculating a weighted fuel economy average for the manufacturer.

Congress amended the CAFE provisions when it enacted the Alternative Motor Fuels Act of 1988 ("AMFA") (Pub. L. 100-94; October 14, 1988). The purposes of AMFA were to encourage the development and use of methanol, ethanol and natural gas as transportation fuels and to promote the production of alternative fuel vehicles (AFVs). For the latter purpose, AMFA provides special procedures for calculating the fuel economy of "dedicated" alternative fuel vehicles and "dual-fueled" vehicles that meet specified eligibility criteria. "Dedicated vehicles" are cars or light trucks designed to operate exclusively either on natural gas or on a methanol or ethanol fuel mixture composed of at least 85 percent of either substance. "Dual-fueled vehicles" have the capability to operate on conventional petroleum and the capability to operate on an alternative fuel. Most dual-fueled vehicles produced to date are capable of operating on E85 (a blend of 85 percent ethanol and 15 percent gasoline) and either gasoline or diesel. The special calculation procedures used in determining the fuel economy of alternative fuel vehicles substantially increase the fuel economy ratings of these vehicles.

In creating the incentive program for dual-fueled vehicles, Congress expressly limited both the extent to which a manufacturer can avail itself of the incentive in any model year as well as the duration of the incentives.<sup>1</sup> For the 1993-2004 model years, the maximum increase in CAFE available to a manufacturer for producing qualifying dual-fueled vehicles is 1.2 miles per gallon.

AMFA provides that by December 31, 2001, the agency either extend the program beyond the 2004 model year or

<sup>1</sup> Congress did not apply either of these limitations to the incentive program for dedicated vehicles.