

(h)(9) of this section until a representative of the Postal Service approves the postage adjustment amount or verifies the condition of the meter before proceeding with the meter repair or destruction.

(iv) Ensure that under no circumstance is a refund issued or funds transferred for any postage value said to remain in a meter that has unreadable registers until the Postal Service has reviewed and analyzed the manufacturer's report and determined the appropriate postage adjustment, if any.

(15) If there is evidence or suspicion of tampering:

(i) Maintain control of the meter and place it in a secure area.

(ii) Ensure that the meter is handled in a secure manner and maintained in its original state until the Postal Service or its agent can be present during the examination.

(iii) Ensure that under no circumstance is a refund issued or funds transferred for any postage value said to remain in a meter that shows evidence of tampering until the Postal Service has reviewed and analyzed the manufacturer's report and determined the appropriate postage adjustment, if any.

(iv) After examination, if approved by the Postal Service or its agent, process the meter under paragraphs (h)(13) or (14) of this section.

(16) In some instances, even though the registers can be read, there is information or other indication that the meter has some mechanical or electrical malfunction that affects the accuracy of the registers or the accuracy of the value printed. Such a meter must be handled under paragraph (h)(14) of this section.

(17) Issue the refund of any postage value said to remain in a faulty meter, after Postal Service approval of the amount of the refund, when the Postal Service requires it. Request reimbursement from the Postal Service for these refunds by periodically submitting a reimbursement request letter to the Postal Service. The letter must be accompanied by listings and support documentation for each refund and must indicate the cause of failure for each incident.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

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BILLING CODE 7710-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-919; MB Docket No. 02-79, RM-10424]

Radio Broadcasting Services; Park City and Miles City, MT, and Powell and Byron, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes four changes in the FM Table of Allotments in Park City and Miles City, MT and Powell and Byron, WY. The Commission requests comment on a petition filed by Chaparral Broadcasting, Inc., licensee of Station KLZY(FM), Powell, Wyoming, proposing the reallocation of Channel 223C from Powell to Park City, Montana, as potentially Park City's first local aural broadcast service, and downgrade of the channel allotment to 223C0. In order to facilitate that reallocation, petitioner proposes to substitute Channel 222C for Channel 223C at Miles City, Montana. Channel 222C can be allotted to Miles City in compliance with the Commission's minimum distance separation requirements at the current site location for Station KKRY(FM), now operating on Channel 223C at reference coordinates of 46-24-04 North Latitude and 105-39-06 West Longitude; accordingly, the licensee of KKRY was ordered to show cause why its license should not be changed to specify operation on Channel 222C in lieu of Channel 223C. With that substitution, Channel 223C0 can be allotted to Park City in compliance with the Commission's minimum distance separation requirements with a site restriction of 23.8 km (14.8 miles) southeast of Park City at reference coordinates of 45-32-24 North Latitude and 108-38-34 West Longitude. Petitioner also proposes the allotment of Channel 221C to Byron, Wyoming, as a first local aural service. Channel 221C could be allotted to Byron in compliance with the Commission's minimum distance separation requirements with a site restriction of 44.7 km (27.7 miles) southwest of Byron at reference coordinates of 44-38-08 North Latitude and 109-01-20 West Longitude.

DATES: Comments must be filed on or before June 10, 2002, and reply comments on or before June 25, 2002.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In

addition to filing comments with the FCC, interested parties should serve the petitioner as follows: David Tillotson, Law Offices of David Tillotson, 4606 Charleston Terrace, NW, Washington, DC 20007-1911.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making and Order to Show Cause, MB Docket No. 02-79; adopted April 10, 2002 and released April 19, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone (202) 863-2893.

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]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Park City, Channel 223C0, by removing Channel 223C at Miles City and adding Channel 222C at Miles City.

3. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Byron, Channel 221C, and by removing Channel 233C at Powell.

Federal Communications Commission.

John A. Karousos,

*Assistant Chief, Audio Division, Office of
Broadcast License Policy, Media Bureau.*

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, 172, and 177

[Docket No. RSPA-02-12064 (HM-232)]

RIN 2137-AD66

Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials

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

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: The Research and Special Programs Administration is proposing new requirements to enhance the security of hazardous materials transported in commerce. Proposals include a requirement for motor carriers registered with the agency to maintain a copy of their current registration certificate on each motor vehicle. We further propose to require shipping papers to include the name and address of the consignor and consignee and the shipper's DOT Hazmat Registration number, if applicable. In addition, we propose to require shippers and carriers of certain highly hazardous materials to develop and implement security plans. We also propose to require hazardous materials shippers and carriers to assure that their employee training includes a security component.

DATES: Submit comments by June 3, 2002. To the extent possible, we will consider late-filed comments as we develop a final rule.

ADDRESSES: Submit comments to the Dockets Management System, U.S. Department of Transportation, Room PL 401, 400 Seventh Street, SW, Washington, DC 20590-0001. Comments should identify Docket Number RSPA-02-12064 (HM-232) and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard. You may also submit comments by e-mail by accessing the Dockets Management System web site at "<http://dms.dot.gov/>" and following the instructions for submitting a document electronically.

The Dockets Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. You can also review comments on-line at the DOT Dockets Management System web site at "<http://dms.dot.gov/>."

FOR FURTHER INFORMATION CONTACT:

Susan Gorsky, (202) 366-8553, Office of Hazardous Materials Standards, Research and Special Programs Administration.

SUPPLEMENTARY INFORMATION:

I. Background

Hazardous materials are essential to the economy of the United States and the well-being of its people. Hazardous materials fuel cars and trucks, and heat and cool homes and offices. Hazardous materials are used for farming and medical applications and in manufacturing, mining, and other industrial processes. Millions of tons of explosive, poisonous, corrosive, flammable, and radioactive materials are transported every day. Hazardous materials move by plane, train, truck, or vessel in quantities ranging from several ounces to many thousands of gallons. The vast majority of hazardous materials shipments arrive safely at their destinations. Most incidents that do occur involve small releases of material and present no serious threat to life or property.

RSPA's hazardous materials transportation safety program has historically focused on reducing risks related to the unintentional release of hazardous materials. The hazardous materials regulations (HMR; 49 CFR Parts 171-180) are designed to achieve two goals: (1) To ensure that hazardous materials are packaged and handled safely during transportation, thus minimizing the possibility of their release should an incident occur, and (2) to effectively communicate to carriers, transportation workers, and emergency responders the hazards of the materials being transported. The HMR specify how to classify and package a hazardous material. Further, the HMR prescribe a system of hazard communication using placards, labels, package markings, and shipping papers. In addition, the HMR prescribe training requirements for persons who prepare hazardous materials for shipment or transport hazardous materials. The HMR also include operational requirements applicable to each mode of transportation.

In the wrong hands, hazardous materials can pose a significant security threat. Hazardous materials in transportation are particularly vulnerable to sabotage or misuse. Security of hazardous materials in the transportation environment poses unique challenges as compared to security at fixed facilities. Hazardous materials are frequently transported in substantial quantities. Such materials are already mobile and are frequently transported in proximity to large population centers. Further, hazardous materials in transportation are often clearly identified to ensure safe and appropriate handling during transportation and to facilitate effective emergency response in the event of an accidental release. While the HMR provide for a high degree of safety with respect to avoiding and mitigating unintentional releases of hazardous materials during transportation, the HMR do not specifically address security threats.

As a result of the terrorist attacks of September 11, 2001, and subsequent threats related to biological and other hazardous materials, the Research and Special Programs Administration (RSPA, we) has undertaken a broad review of government and industry hazardous materials transportation safety and security programs. As part of this review, we established the Hazardous Materials Direct Action Group (Hazmat DAG). The Hazmat DAG met with representatives of the hazardous materials industry, emergency response community, and state governments to discuss transportation security issues in the wake of the September 11 attacks and continuing terrorist threats. In addition, we created a DOT Intermodal Hazardous Materials Transportation Security Task Force, which considered attack or sabotage vulnerabilities, existing security measures, and potential ways to reduce vulnerabilities. The Task Force included representatives from the Federal Motor Carrier Safety Administration, Federal Railroad Administration, Federal Aviation Administration, U.S. Coast Guard (USCG), and Office of the Secretary.

Based in part on discussions in the Hazmat DAG and on the results of the Task Force review, on February 14, 2002, we published an advisory notice to inform shippers and carriers of voluntary measures that can enhance the security of hazardous materials shipments during transportation (67 FR 6963). The notice addresses personnel, facility, and en route security issues and includes contact points for obtaining additional, more detailed information.