

expedite proceedings or for other good cause. Although the ALJs who preside over these hearings make no decision or recommendations on the merits of OSHA's proposal, they do have the responsibility and authority to ensure that the hearing progresses at a reasonable pace and in an orderly manner. To ensure that interested parties receive a full and fair informal hearing as specified by 29 CFR part 1911, the ALJ has the authority and power to: Regulate the course of the proceedings; dispose of procedural requests, objections, and comparable matters; confine the presentations to matters pertinent to the issuers raised; use appropriate means to regulate the conduct of the parties who are present at the hearing; question witnesses, and permit others to question witnesses; and limit the time for such questioning. At the close of the hearing, the ALJ will establish a post-hearing comment period for parties who participated in the hearing. During the first part of this period, the participants may submit additional data and information to OSHA; during the second part of this period, they may submit briefs, arguments, and summations.

*Notice of Intention to Appear to Provide Testimony at the Informal Public Hearing.* Interested parties who intend to provide oral testimony at the informal public hearings must file a notice of intention to appear by using the procedures specified earlier in the sections titled **DATES** and **ADDRESSES**. This notice must provide the: name, address, and telephone number of each individual who will provide testimony, and their preferred hearing location; capacity (for example, the name of the establishment or organization the individual is representing and the individual's occupational title and position) in which each individual will testify; approximate amount of time required for each individual's testimony; specific issues each individual will address, including a brief statement of the position that the individual will take with respect to each of these issues; and a brief summary of any documentary evidence the individual intends to present.

OSHA emphasizes that the hearings are open to the public, and that interested parties are welcome to attend. However, only a party who files a complete notice of intention to appear may ask questions and participate fully in the proceedings. While a party who did not file a notice of intention to appear may be allowed to testify at the hearing if time permits, this determination is at the discretion of the presiding ALJ.

*Hearing Testimony and Documentary Evidence.* Any party requesting more than 10 minutes to testify at the informal public hearing, or who intends to submit documentary evidence at the hearing, must provide the complete text of the testimony and the documentary evidence as specified earlier in the sections listed **DATES** and **ADDRESSES**. The Agency will review each submission and determine if the information it contains warrants the amount of time requested. If OSHA believes the requested time is excessive, it will allocate an appropriate amount of time to the presentation, and will notify the participant of this action, and the reasons for the action, before the hearing. The Agency may limit to 10 minutes the presentation of any participant who fails to comply substantially with these procedural requirements; in such instances, OSHA may request the participant to return for questioning later.

*Certification of the Record and Final Determination after the Informal Public Hearing.* Following the close of the hearing and post-hearing comment period, the presiding ALJ will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health; the record will consist of all of the written comments, oral testimony, and documentary evidence received during the proceeding. However, the ALJ does not make or recommend any decisions as to the content of the final standard. Following certification of the record, OSHA will review the proposed provisions in light of all the evidence received as part of the record, and then will issue the final rule based on the entire record.

#### Authority and Signature

This document was prepared under the direction of Jonathan L. Snare, Deputy Assistant Secretary of Labor of Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

This action is taken pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 5-2002 (67 FR 65008), and 29 CFR part 1911.

Dated: Signed at Washington, DC this 6th day of October, 2005.

**Jonathan L. Snare,**

*Acting Assistant Secretary of Labor.*

[FR Doc. 05-20421 Filed 10-11-05; 8:45 am]

**BILLING CODE 4510-26-M**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 05-2636; MB Docket No. 05-274, RM-11274; MB Docket No. 05-275, RM-11275]

#### Radio Broadcasting Services; Coalgate, OK; and Silver Springs Shores, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes new FM broadcast allotments at Coalgate, Oklahoma and Silver Springs Shores, Florida. The Audio Division, Media Bureau, requests comment on a petition filed by Charles Crawford, proposing the allotment of Channel 242A at Coalgate, Oklahoma, as the community's second local aural transmission service. Channel 242A can be allotted to Coalgate in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.9 kilometers (4.3 miles) south of Coalgate. The reference coordinates for Channel 242A at Coalgate are 34-35-00 North Latitude and 96-10-00 West Longitude. See **SUPPLEMENTARY INFORMATION, infra.**

**DATES:** Comments must be filed on or before November 25, 2005, and reply comments on or before December 12, 2005.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Charles Crawford; 4553 Bordeaux Ave.; Dallas, Texas 75205; and Carrie Tutera Martin; 726 Stetson Street; Orlando, Florida 32804.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 05-274, and 05-275, adopted September 29, 2005 and released October 3, 2005. The full text of this Commission document is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC,

20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506 (c)(4).

The Audio Division requests comments on a petition filed by Carrie Tuteria Martin, proposing the allotment of Channel 259A at Silver Springs Shores, Florida, as the community's first local aural transmission service. Channel 259A can be allotted to Silver Springs Shores in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.0 kilometers (3.1 miles). The reference coordinates for Channel 259A at Silver Springs Shores are 29-08-09 North Latitude and 82-02-33 West Longitude.

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 Section 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR Sections 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, 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 Florida, is amended by adding Silver Springs Shores, Channel 259A.

3. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Channel 242A at Coalgate.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 05-20353 Filed 10-11-05; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 05-2516; MB Docket No. 05-267; RM-10365]

#### Radio Broadcasting Services; St. Simons Island, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a Petition for Rule Making filed by Nancy C. Harper requesting the allotment of Channel 229C3 at St. Simons Island, Georgia, and a mutually exclusive Petition for Rule Making filed by Murphy Broadcasting requesting the allotment of Channel 229A to St. Simons Island. Either allotment would provide that community with its second local aural transmission service. To accommodate Harper's requested allotment of Channel 229C3, Harper requests the reclassification of FM Station WOGK, Channel 229C, Ocala, Florida, to specify operation on Channel 229C0 pursuant to the reclassification procedures adopted by the Commission. *See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 65 FR 79773 (December 20, 2000). In response to an Order to Show Cause why Station WOGK should not be downgraded from Channel 229C to 229C0, the licensee of FM Station WOGK stated that it would file an acceptable application meeting minimum Class C FM standards within the period required by our rules. Since the licensee filed an application that was deficient, and since the deficient application filed has been dismissed for failure to prosecute the application, the Commission proposes to reclassify Station WOGK to Class C0. Channel 229C3 can be allotted with a site restriction 16.4 kilometers (10.2 miles) northwest of St. Simons Island, at reference coordinates 31-14-54 NL and 81-29-57 WL. To accommodate the proposed allotment, the Commission proposes the reclassification of FM Station WOGK to specify operation on Channel 229C0. Channel 229A can be allotted to St. Simons Island at reference coordinates of 31-09-01 NL and 81-22-

11 WL, if FM Station WOGK is reclassified to specify operation on Channel 229C0.

**DATES:** Comments must be filed on or before November 18, 2005, and reply comments on or before December 5, 2005. Any counterproposal filed in this proceeding need only protect FM Station WOGK, Ocala, Florida, as a Class C0 allotment.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners as follows: Nancy C. Harper, 490 Wright Road; Tignall, Georgia 30668; and Scott C. Cinnamon, Law Offices of Scott C. Cinnamon, PLLC; 1090 Vermont Ave, NW., Suite 800, #144; Washington, DC 20005 (Counsel for Murphy Broadcasting).

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 05-267, adopted September 23, 2005, and released September 27, 2005. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

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, Radio broadcasting.