

reference coordinates for Channel *232C2 at Hayward are 46–15–04 North Latitude and 91–23–01 West Longitude. At the request of Fine Arts Radio, Inc. and West Virginia Educational Broadcasting Authority, the Audio Division grants petitions requesting to reserve vacant Channel 287A at St. Marys, West Virginia for noncommercial educational use. The reference coordinates for Channel *287A at St. Marys are 39–18–03 North Latitude and 81–15–19 West Longitude.

The FM Table of Allotments currently lists Channel 257C1 at Barnwell, South Carolina, however, the Audio Division substituted Channel 257C1 for Channel 256C3 at Barnwell, SC, reallocated Channel 257C1 to Pembroke, Georgia, and modified the license of Station WBAW to specify operation on Channel 257C1 at Pembroke in MM Docket No. 00–18. As such, Channel 256C3 was allotted to Barnwell, SC as a replacement service not Channel 257C1. See 66 FR 55596, published November 2, 2001.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 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 Pennsylvania is amended by adding Channel *298A and by removing Channel 298A at Liberty; and by adding Channel *227A and by removing Channel 227A at Susquehanna.

■ 3. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by adding Channel *256C3 and by removing Channel 257C1 at Barnwell.

■ 4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel *240A and by removing Channel 240A at Burnet; by adding Channel *248C2 and by removing Channel 248C2 at Denver City; by adding Channel *260A and by removing Channel 260A at Van Alstyne.

■ 5. Section 73.202(b), the Table of FM Allotments under Utah, is amended by adding Channel *260A and by removing Channel 260A at Fountain Green.

■ 6. Section 73.202(b), the Table of FM Allotments under Virginia, is amended

by adding Channel *296A and by removing Channel 296A at Shenandoah.

■ 7. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by adding Channel *287A and by removing Channel 287A at St. Marys.

■ 8. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Channel *268C3 and by removing Channel 268C3 at Augusta; and by adding Channel *232C2 and by removing Channel 232C2 at Hayward.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–19023 Filed 8–18–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2462; MB Docket No.03–98; RM–10688]

Radio Broadcasting Services; Sellersburg and Seymour, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 230A from 229B at Seymour, Indiana and reallocates Channel 230A from Seymour to Sellersburg, Indiana, and modifies the license for Station WQKC to specify operation Channel 230A at Sellersburg, Indiana, in response to a petition filed by of INDY LICO, Inc., licensee of Station WGRL(FM), Noblesville, Indiana, and S.C.I. Broadcasting, Inc., licensee of Station WQKC(FM). See 68 FR 35617, June 16, 2003. Channel 23A can be reallocated to Sellersburg in compliance with the Commission's minimum distance separation requirements at a site 11.5 kilometers (7.1 miles) south of the community. The coordinates for Channel 230A at Sellersburg are 38–17–41 NL and 85–45–07 WL. Oppositions filed by Evangel Schools, Inc., and Eric Heyob are denied.

DATES: Effective September 23, 2004.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MB Docket No. 03–98, adopted August 4, 2004, and released August 9, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference

Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. The complete text of this decision 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. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended 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 Indiana, is amended by removing Seymour, Channel 229B and by adding Sellersburg, Channel 230A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–19024 Filed 8–18–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–2507; MM Docket No. 02–40; RM–10377, RM–10508]

Radio Broadcasting Services; Goldsboro, Louisburg, Rolesville, and Smithfield, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a *Notice of Proposed Rule Making*, 67 FR 10872 (March 11, 2002), this *Report and Order* reallocates Channel 272A, Station WKIX(FM), Goldsboro, North Carolina to Smithfield, North Carolina, and modifies Station WKIX(FM)'s license accordingly. The Commission approved the withdrawal of a counterproposal to reallocate Channel 273A from Station WHLQ(FM), Louisburg, North Carolina, to Rolesville, North Carolina. The coordinates for Channel 272A at

Smithfield, North Carolina, are 35–28–21 NL and 78–19–43 WL, with a site restriction of 4.1 kilometers (2.5 miles) south of Smithfield.

DATES: Effective September 27, 2004.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 02–40, adopted August 10, 2004, and released August 12, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 reads 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 North Carolina, is amended by removing Channel 272A at Goldsboro and by adding Smithfield, Channel 272A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–19027 Filed 8–18–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 383

[Docket No. FMCSA–2001–11117]

RIN 2126–AA70

Limitations on the Issuance of Commercial Driver's Licenses With a Hazardous Materials Endorsement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Interim final rule; delay of compliance date.

SUMMARY: FMCSA issues this rule to amend the compliance date in its Interim final rule (IFR) published in the May 5, 2003 *Federal Register* regarding limitations on State issuance of a commercial driver's license (CDL) with a hazardous materials endorsement. States must not issue, renew, transfer or upgrade a CDL with a hazardous materials endorsement unless the Transportation Security Administration (TSA) has first conducted a background records check of the applicant and determined the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. FMCSA is changing the date by which States must comply with TSA regulations to coincide with the new compliance date established by TSA. The compliance date is changed from April 1, 2004, to January 31, 2005.

DATES: *Effective:* This rule is effective on September 20, 2004. *Compliance:* States must comply with this rule by January 31, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Redmond, Office of Safety Programs, (202) 366–9579, FMCSA, 400 7th Street, SW., Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act of 1996 requires FMCSA to comply with small entity requests for information or advice about compliance with statutes and regulations within FMCSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for information or advice. You can get further information regarding the Small Business Regulatory Enforcement Fairness Act on the Small Business

Administration's Web page at http://www.sba.gov/advo/laws/law_lib.html.

Summary of Today's Action

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act [Public Law 107–56, 115 Stat. 272] was enacted on October 25, 2001. Section 1012 of the USA PATRIOT Act amended 49 U.S.C. Chapter 51 by adding a new sec. 5103a titled “Limitation on issuance of hazmat licenses.” Section 5103a(a)(1) provides:

A State may not issue to any individual a license to operate a motor vehicle transporting in commerce a hazardous material unless the Secretary of Transportation has first determined, upon receipt of a notification under subsection (c)(1)(B), that the individual does not pose a security risk warranting denial of the license.

FMCSA shares with TSA responsibility for implementing sec. 1012 of the USA PATRIOT Act.

For reasons described in its April 6, 2004 final rule (*Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License; Final Rule*, 69 FR 17969), TSA is amending the April 1, 2004, deadline for States to begin collecting fingerprints from a driver requesting authority to transport hazardous materials in commerce. The new compliance date is January 31, 2005. Therefore, FMCSA revises the compliance date for hazardous materials security requirements published in its companion IFR (68 FR 23844, May 5, 2003) from April 1, 2004 to January 31, 2005 to coincide with the new TSA deadline.

Rulemaking Analyses and Notices

Justification for Immediate Adoption

FMCSA is issuing this IFR without prior notice and opportunity to comment pursuant to its authority under section 4(a) of the Administrative Procedure Act (5 U.S.C. 553(b)). This provision allows the agency to issue a final rule without notice and opportunity to comment when the agency for good cause finds that notice and comment procedures are “impracticable, unnecessary or contrary to the public interest.” This amended IFR is ministerial in nature. It changes the date on which States are required to collect fingerprints from individuals who are applying for, renewing, upgrading or transferring a CDL with a hazardous materials endorsement. Because the rule relieves a burden on stakeholders by extending the compliance date, FMCSA has concluded