

portland cement manufacturing, and secondary aluminum smelting (Clean Air Act section 112), please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: December 26, 2001.

Judith M. Katz,

Director, Air Protection Division, Region III.

[FR Doc. 02-408 Filed 1-7-02; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-2985; MM Docket No. 01-345; RM-10344]

Radio Broadcasting Services; Wickenburg and Salome, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Circle S Broadcasting Co., Inc., licensee of Station KWSG(FM), Wickenburg, Arizona, requesting the substitution of Channel 242C for Channel 242C3 and modification of its authorization to specify the higher class channel. Additionally, to accommodate the upgrade, petitioner also proposes the substitution of Channel 270A for vacant Channel 241A at Salome, Arizona. Channel 242C can be allotted to Wickenburg consistent with the technical requirements of the Commission's Rules at the petitioner's specified site located 24.6 kilometers (15.3 miles) west of the community at coordinates 33-54-15 NL and 112-59-02 WL. Channel 270A can be substituted for vacant Channel 241A at Salome, Arizona, at the current reference site for the existing channel at coordinates 33-46-54 NL and 113-36-42 NL. Additionally, as Wickenburg and Salome are each located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to the proposals must be obtained.

DATES: Comments must be filed on or before February 11, 2002, and reply comments on or before February 26, 2002.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the

petitioner's counsel, as follows: Lee Peltzman, Esq., Shainis and Peltzman, Chartered, 1850 M Street, NW., Suite 240, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-345, adopted December 12, 2001, and released December 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualtex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893.

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 Arizona, is amended by removing Channel 241A and adding Channel 270A at Salome; and removing Channel 242C3 and adding Channel 242C at Wickenburg.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 02-376 Filed 1-7-02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-2907; MM Docket Nos. 01-340, 01-341, 01-342, 01-343; RM-10345, RM-10346, RM-10347, RM-10348]

Radio Broadcasting Services; Pierce, NE; Coosada, AL; Pineview, GA; and Diamond Lake, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission seeks comment on proposals in four separate docketed proceedings in a multiple docket *Notice of Proposed Rule Making*. The first, filed by Pierce Radio, LLC, proposes to allot Channel 248C2 at Pierce, Nebraska as the community's first local aural transmission service. Channel 248C2 can be allotted at Pierce at a site 5 kilometers (3.1 miles) east of the community at coordinates 42-11-30 NL and 97-28-00 WL. The second, filed by Media Equities Corp., proposes to allot Channel 226A at Coosada, Alabama, as the community's first local aural transmission service. Channel 226A can be allotted at Coosada at a site 14 kilometers (8.7 miles) southeast of the community at coordinates 32-26-58 NL and 86-11-38 WL. The third, filed by Data+Corp., proposes the allotment of Channel 226A at Pineview, Georgia as the community's first local aural transmission service. Channel 226A can be allotted at Pineview at a site 8.4 kilometers (5.3 miles) southeast of the community at coordinates 32-00-44 NL and 83-28-19 WL. The fourth, filed by Robert W. Larson, proposes the allotment of Channel 299A at Diamond Lake as the community's first local aural transmission service. Channel 299A can be allotted at Diamond Lake without a site restriction at coordinates 43-10-44 NL and 122-8-16 WL. See **SUPPLEMENTARY INFORMATION.**

DATES: Comments must be filed on or before February 4, 2002, and reply comments must be filed on or before February 19, 2002.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket Nos. 01-340, 01-341, 01-342, 01-343, adopted December 5, 2001, and released December 14, 2001. 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.

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.

2. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by adding Pierce, Channel 248C2.

3. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by adding Coosada, Channel 226A.

4. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Pineview, Channel 226A.

5. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Diamond Lake, Channel 299A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 02-370 Filed 1-7-02; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. RSPA-01-10741 (HM-220C)]

RIN 2137-AC86

Hazardous Materials: Filling of Propane Cylinders; Denial of Petition for Rulemaking

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

ACTION: Denial of petition for rulemaking and termination of docket HM-220C.

SUMMARY: RSPA is denying a petition for rulemaking filed by the Barbecue Industry Association requesting we require the registration of facilities that fill liquefied petroleum gas (LPG) cylinders having a water capacity of less than 200 pounds.

FOR FURTHER INFORMATION CONTACT: Gigi Corbin or Eileen Edmonson, (202) 366-8553, Office of Hazardous Materials Standards, Research and Special Programs Administration.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1996, the Research and Special Programs Administration (RSPA, we) published an advance notice of proposed rulemaking (ANPRM) (61 FR 43515) to solicit comments on the merits of a petition for rulemaking filed by the Barbecue Industry Association (BIA) (P-1298). In its petition, BIA requested we amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) to require the registration of persons who fill DOT specification cylinders that have a water capacity of less than 200 pounds (about 24 gallons); are used for liquefied petroleum gas, a Division 2.1 (flammable) gas; and that come under the jurisdiction of the HMR. To obtain this registration, BIA proposed that the fillers' facilities and qualifications be reviewed by an independent inspection agency approved according to § 173.300a of the HMR. BIA proposed that registrants submit an application containing the following documentation:

- (1) A certification of employee training;
- (2) A certification that the filling equipment is suitable for use with LPG to provide for accurately filling the cylinders by weight according to current § 173.304(c);

(3) Proof of financial responsibility in the minimum amount of one million dollars; and

(4) An inspection report prepared by an independent inspection agency.

BIA's major concern is overfilling of propane cylinders used for barbecue grills. These cylinders are commonly called 20-pound cylinders, hold about five gallons, and are usually sold directly to consumers. BIA states that more than 5 million barbecue grills were sold in 1993, that the National Petroleum Gas Association (NPGA) estimates 50 million propane cylinders are currently in use, and that an additional 5 to 6 million are produced annually. BIA states that these market conditions have encouraged fill stations to use untrained employees to fill and service 20-pound cylinders. BIA asserts that the wide variations in current training and filling practices and inadequate regulations by state and local jurisdictions result in consumer injuries and deaths. BIA suggests Federal regulation will eliminate these differences and promote safer use of propane cylinders. BIA provided no estimates on the number of fillers that potentially would be affected by the proposal. The text of the petition was published verbatim in the ANPRM.

Comment Summary

To determine the possible impacts of BIA's proposal, the ANPRM included a request of commenters to provide estimates of the proposal's anticipated costs and safety benefits, burden hours, and the potential impact on small businesses and the environment. We received 11 comments from persons representing state and local agencies, trade associations, cylinder fillers and requalifiers, and the general public. The commenters unanimously oppose BIA's proposals, primarily because the costs associated with their implementation would be extremely high.

Most commenters agree that training is necessary for propane refillers; however, they object to BIA's training proposal. They state that existing state and Federal requirements cover most propane filling scenarios, including training, and that additional Federal regulations would be duplicative and confusing, and would increase costs. The NPGA states that the National Fire Protection Association (NFPA) Standard 58, titled "Storage and Handling of Liquefied Petroleum Gases," is consistent with the HMR and is used as the basis of LPG regulation "in virtually every state." This pamphlet discusses how to fill and transport these cylinders, even when customer-owned, and how to train employees performing