

amount of the bond by \$1 million upon successfully meeting a milestone deadline set forth in section 25.164(b) of this chapter.

(e) A replacement satellite is one that is:

(1) Authorized to be operated at the same orbit location, in the same frequency bands, and with the same coverage area as one of the licensee's existing satellites, and

(2) Scheduled to be launched so that it will be brought into use at approximately the same time as, but no later than, the existing satellite is retired.

[FR Doc. 04-19142 Filed 8-19-04; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-2393; MB Docket No. 04-113, RM-10923; MB Docket No. 04-114, RM-10924, 10925; MB Docket No. 04-116, RM-10927; MB Docket No. 04-118, RM-10929; MB Docket No. 04-119, RM-10930; MB Docket No. 04-120, RM-10931, MB Docket No. 04-121, RM-10932; MB Docket No. 04-122, RM-10933, RM-10934; MB Docket No. 04-123, RM-10935; MB Docket No. 04-125, RM-10940]

**Radio Broadcasting Services; Amherst, NY, Berthold, ND, Cordell, OK, Dillsboro, NC, Hubbardston, MI, Laurie, MO, Madras, OR, Weatherford, OK, West Tisbury, MA, Wynnewood, OK**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division grants ten reservation proposals requesting to amend the FM Table of Allotments by reserving certain vacant FM allotments for noncommercial educational use in Amherst, NY, Berthold, ND, Cordell, OK, Dillsboro, NC, Hubbardston, MI, Laurie, MO, Madras, OR, Weatherford, OK, West Tisbury, MA, Wynnewood, OK. See 69 FR 26353, published May 12, 2004. At the request of Starboard Media Foundation, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 282A at West Tisbury, Massachusetts for noncommercial educational use. The reference coordinates for Channel \*282A at West Tisbury are 41-22-52 North Latitude and 70-40-30 West Longitude. At the request of Living Proof, Inc. and Lansing Community College, the Audio Division grants petitions requesting to reserve vacant Channel 279A at Hubbardston,

Michigan for noncommercial educational use. The reference coordinates for Channel \*279A at Hubbardston are 43-5-53 North Latitude and 84-51-54 West Longitude. At the request of American Family Association, the Audio Division grants a petition requesting to reserve vacant Channel 265C3 at Laurie, Missouri for noncommercial educational use. The reference coordinates for Channel \*265C3 at Laurie are 38-8-30 North Latitude and 92-50-37 West Longitude. See **SUPPLEMENTARY INFORMATION**, *infra*.

**DATES:** Effective September 13, 2004.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket Nos. 04-113, 04-114, 04-116, 04-118, 04-119, 04-120, 04-121, 04-122, 04-123, 04-125 adopted July 28, 2004 and released July 30, 2004. The full text of this Commission decision 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 20554, telephone 1-800-378-3160, or via e-mail <http://www.BCPIWEB.com>. 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).

At the request of Starboard Media Foundation, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 237A at Dillsboro, North Carolina for noncommercial educational use. The reference coordinates for Channel \*237A at Dillsboro are 35-15-56 North Latitude and 83-9-16 West Longitude. At the request of Starboard Media Foundation, Inc., the Audio Division grants a petition to reserve vacant Channel 264C at Berthold, North Dakota for noncommercial educational use. The reference coordinates for Channel \*264C at Berthold are 48-18-54 North Latitude and 101-44-22 West Longitude. At the request of Youngshine Media, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 221A at Amherst, New York for noncommercial educational use. The reference coordinates for Channel

\*221A at Amherst are 42-58-42 North Latitude and 78-48-0 West Longitude. At the request of Great Plains Christian Radio, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 229A at Cordell, Oklahoma for noncommercial educational use. The reference coordinates for Channel \*229A at Cordell are 35-17-24 North Latitude and 98-59-24 West Longitude. At the request of Great Plains Christian Radio, Inc. and University of Oklahoma, the Audio Division grants petitions requesting to reserve vacant Channel 286A at Weatherford, Oklahoma for noncommercial educational use. The reference coordinates for Channel \*286A at Weatherford are 35-33-2 North Latitude and 98-43-59 West Longitude. At the request of Sister Sherry Lynn Foundation, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 283A at Wynnewood, Oklahoma for noncommercial educational use. The reference coordinates for Channel \*283A at Wynnewood are 34-38-42 North Latitude and 97-10-0 West Longitude. At the request of Radio Bilingue, Inc., the Audio Division grants a petition requesting to reserve vacant Channel 251C1 at Madras, Oregon for noncommercial educational use. The reference coordinates for Channel \*251C1 at Madras are 44-50-2 North Latitude and 120-45-55 West Longitude.

### 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 Massachusetts, is amended by adding Channel \*282A and by removing Channel 282A at West Tisbury.

■ 3. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Channel \*279A and by removing Channel 279A at Hubbardston.

■ 4. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Channel \*265C3 and by removing Channel 265C3 at Laurie.

■ 5. Section 73.202(b), the Table of FM Allotments under North Carolina, is

amended by adding Channel \*237A and by removing Channel 237A at Dillsboro.

■ 6. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by adding Channel \*264C and by removing Channel 264C at Berthold.

■ 7. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Channel \*221A and by removing Channel 221A at Amherst.

■ 8. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Channel \*229A and by removing Channel 229A at Cordell; by adding Channel \*286A and by removing Channel 286A at Weatherford; by adding Channel \*283A and by removing Channel 283A at Wynnewood.

■ 9. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Channel \*251C1 and by removing Channel 251C1 at Madras.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 381

[Docket No. FMCSA-98-4145]

RIN 2126-AA41

### Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs

**AGENCY:** Federal Motor Carrier Safety Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) adopts as final its interim regulations at 49 CFR part 381, consistent with section 4007 of the Transportation Equity Act for the 21st Century. The final rule establishes procedures applicants must follow to request waivers and apply for exemptions from the Federal Motor Carrier Safety Regulations and Commercial Driver's License requirements, and procedures to propose and manage pilot programs. In addition, it establishes procedures which govern how FMCSA will review, grant, or deny requests for waivers, applications for exemptions, and proposals for pilot programs. It also establishes requirements for publishing notice of exemption applications or

proposals for pilot programs through the **Federal Register** and affording the public an opportunity for comment. As no revisions are necessary, the interim regulations at part 381 are adopted without change.

**DATES:** Effective September 20, 2004. *Petitions for Reconsideration* must be received by the agency not later than September 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** Larry W. Minor, Chief, Vehicle and Roadside Operations Division (MC-PSV), Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366-4009.

#### SUPPLEMENTARY INFORMATION:

##### Copies of This Document and Other Related Information

- *Docket:* For access to the public docket, Internet users may access the U.S. DOT Docket Management System (DMS) facility to view or download comments received or background documents, by using the universal resource locator (URL) <http://dms.dot.gov> and typing the last four digits of the docket number of this rulemaking (FMCSA-98-4145); or go to the DMS facility, 400 Seventh Street, SW., (on the Plaza Level), Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday (except Federal holidays).

- You can also get an electronic copy of this document by accessing FMCSA's "Rules and Regulations" Web page at <http://www.fmcsa.dot.gov>; or accessing today's **Federal Register** from the Government Printing Office (GPO) Web page at <http://www.gpoaccess.gov>.

##### Privacy Act Statement

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

##### Small Entity Assistance

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires each agency to respond to small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction.

FMCSA's emphasis on small business assistance extends to all of its

headquarters and division offices. Therefore, any small business, organization, or governmental jurisdiction that has a question concerning this document may contact an FMCSA Division office in its State, or an FMCSA ServiceCenter for its geographic area. For addresses and phone number, go to <http://www.fmcsa.dot.gov/aboutus/fieldoffs>; call our toll free number at 1-800-832-5660, or send a FAX to (202) 366-8842.

#### Background

##### Discussion of Interim Final Rule

On June 9, 1998, the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107) was enacted. Section 4007 of TEA-21 amended 49 U.S.C. 31315 and 31136(e) concerning authority to grant waivers from the Federal Motor Carrier Safety Regulations (FMCSRs) to a person(s) seeking regulatory relief. Under sections 31315 and 31136(e), FMCSA may grant a waiver or exemption relieving a person from complying in whole or in part with a regulation, if the agency determines it is in the public interest and would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the safety regulation. TEA-21 also permits FMCSA to conduct pilot programs to evaluate alternatives relating to its motor carrier, commercial motor vehicle (CMV), and driver safety regulations. The use of exemptions in pilot programs is administered under strict controls, to enable collection and analysis of data and preparation of a report to Congress. TEA-21 also made a clear distinction between "waivers" and "exemptions" and specified requirements for pilot programs.

##### Waivers

TEA-21 authorizes FMCSA to grant short-term waivers for special situations without requesting public comment, and without providing public notice. Waivers require a "public interest" finding in addition to a finding of safety. Individual waivers may only be granted to a person for a specific unique, non-emergency event, for a period up to three months.

##### Exemptions

TEA-21 directs the agency to publish notice of an exemption request in the **Federal Register**, announcing that a request has been filed and justification as to why the exemption is required. We must also afford the public a comment period and an opportunity to inspect the safety analysis and other relevant information. Before granting an exemption, we must publish a notice in