

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 01-1764, MM Docket No. 01-83, RM-10085]

**Digital Television Broadcast Service; Lexington, KY****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of WLEX Communications, LLC, licensee of station WLEX-TV, substitutes DTV channel 39 for DTV channel 22 at Lexington, Kentucky. See 66 FR 20620, April 24, 2001. DTV channel 39 can be allotted to Lexington in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (38-02-03 N. and 84-23-39 W.) with a power of 1000, HAAT of 288 meters and with a DTV service population of 814 thousand.

With this action, this proceeding is terminated.

**DATES:** Effective September 10, 2001.**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01-83, adopted July 24, 2001, and released July 27, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

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

Television, Digital television broadcasting.

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

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

**§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under Kentucky, is amended by removing DTV channel 22 and adding DTV channel 39 at Lexington.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

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**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Part 232**

[FRA Docket No. PB-9; Notice No. 20]

RIN 2130-AB49

**Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices****AGENCY:** Federal Railroad Administration (FRA), DOT.**ACTION:** Final rule; response to petitions for reconsideration.

**SUMMARY:** On January 17, 2001, FRA published a final rule revising the regulations governing braking systems and equipment used in freight and other non-passenger railroad train operations. The revisions were intended to achieve safety by better adapting the regulations to the needs of contemporary railroad operations and facilitating the use of advanced technologies. The revisions were issued in order to comply with Federal legislation, to respond to petitions for rulemaking, and to address areas of concern derived from experience in the application of existing standards governing these operations. In this document, FRA responds to the concerns and issues raised by interested parties related to the periodic maintenance and testing requirements contained in subpart D of the final rule. This document clarifies and amends the final rule, where necessary, in response to the petitions for reconsideration related to subpart D of the final rule. FRA intends to respond to petitions for reconsideration of other portions of the final rule in a separate document that will be published in the **Federal Register** in the near future.

**DATES:** The amendments to the final rule are effective August 1, 2001. The incorporation by reference of certain publications listed in the amendments to the final rule is approved by the Director of the Federal Register as of August 1, 2001.

**FOR FURTHER INFORMATION, CONTACT:** Leon Smith, Deputy Regional Administrator, Region 3, FRA Office of Safety, RRS-14, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20590

(telephone 404-562-3800), or Thomas Herrmann, Trial Attorney, Office of the Chief Counsel, RCC-10, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20590 (telephone 202-493-6053).

**SUPPLEMENTARY INFORMATION:****Background**

On January 17, 2001, FRA issued a final rule revising the Federal safety standards governing braking systems and equipment used in freight and other non-passenger railroad train operations. See 66 FR 4104. The effective date of the final rule was May 31, 2001. See 66 FR 9906 (February 12, 2001) and 66 FR 29501 (May 31, 2001). In response to the final rule, FRA received six petitions for reconsideration from seven parties raising various issues related to a number of the provisions contained in the final rule. These petitioners included:

Association of American Railroads (AAR)

American Short Line and Regional Railroad Association (ASLRRA)

American Public Transportation Association (APTA),

Brotherhood of Locomotive Engineers (BLE),

New York Air Brake Corporation (NYAB),

Rail Passenger Car Alliance (RPCA), and

Union Pacific Railroad Company (UP).

The purpose of this document is to address the issues raised in the petitions for reconsideration relating to the periodic maintenance and testing requirements prescribed in subpart D of the final rule. FRA believes that it is necessary to address these issues as quickly as possible because the periodic maintenance and testing requirements prescribed in subpart D of the final rule have a compliance date of August 1, 2001. Thus, rather than delay the compliance date of the requirements prescribed by this subpart, FRA believes that the best course of action is a separate response addressing the issues specifically raised with regard to this subpart. Due to the complexity of some of the issues raised in the petitions for reconsideration on other provisions of the final rule, FRA intends to respond to those other issues in a separate notice that will be published in the **Federal Register** in the near future.

In response to the final rule, FRA received a joint petition for reconsideration from the AAR and the ASLRRA ("AAR petition") raising various issues relating to the periodic maintenance and testing provisions contained in subpart D of the final rule. The specific issues and