

**ACTION:** Final rule.

**SUMMARY:** This document grants a Petition for Reconsideration filed by Colon Johnston directed to the *Report and Order* in this proceeding to the extent of allotting Channel 244C2 to Walnut Grove, Mississippi. The *Report and Order* had dismissed this proposal. See 63 FR 26993, May 15, 1998. The reference coordinates for the Channel 244C2 allotment at Walnut Grove, Mississippi, are 32–42–50 and 89–23–48. With this action, the proceeding is terminated.

**DATES:** Effective March 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau, (202) 418–2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 97–188. Adopted January 24, 2001, and released January 26, 2001. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals 11, CY–A257, 445 12th Street SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3805, 1231 M Street NW., Washington, DC 20036.

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

Radio broadcasting.

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

#### 47 CFR 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]

Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Walnut Grove, 244C2.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–3410 Filed 2–8–01; 8:45 am]

**BILLING CODE 6712–01–U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01–179, MM Docket Nos. 96–7, 96–12, RM–8732, RM–8845, RM–8741, File No. BPH–960206IE]

### Radio Broadcasting Services; Banks, Redmond, Sunriver, Corvallis and The Dalles, Oregon

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; denial.

**SUMMARY:** This document denies the petition for reconsideration filed by Madgekal Broadcasting, Inc., licensee of Station KFLY, Corvallis, Oregon, as repetitive and, pursuant to Section 1.429(b) of the rules, as based on facts not previously presented. It also affirms the Commission's Report and Order granting the upgrade of Station KDBX (FM), Banks, Oregon, from Channel 298C2 to Channel 298C1, filed by Common Ground Broadcasting, superseded by American Radio Systems License Corp., and subsequently superseded by CBS, Inc; the substitution of Channel 269C2 for Channel 298C2 at Redmond, Oregon; the allotment of Channel \*268C3 at The Dalles filed by LifeTalk Broadcasting Association; and the allotment of Channel 224C2 at Sunriver, Oregon, filed by Hurricane Broadcasting, Inc. In addition, the Report and Order denied a settlement agreement between American Radio Systems License Corp. and Madgekal Broadcasting Inc. in which Madgekal Broadcasting Inc. would accept an upgrade for Station KFLY(FM), Corvallis, Oregon, from Channel 268C2 to Channel 268C1 for a payment of \$950,000. The staff also denied Madgekal Broadcasting Inc.'s competing proposal filed as a one-step upgrade application upgrading Station KFLY to Channel 268C at Corvallis.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket Nos. 96–7, 96–12, adopted January 24, 2001, and released January 26, 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, Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–3411 Filed 2–8–01; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 213

[Docket No. RST–90–1, Notice No. 13]

#### RIN 2130–AB32

### Track Safety Standards; Delay of Effective Date

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation, (DOT).

**ACTION:** Final rule and corrections; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, 66 FR 7702, this action temporarily delays for 60 days the effective date of the rule entitled Track Safety Standards, published in the **Federal Register** on January 10, 2001, 66 FR 1894. That rule concerns an amendment to the Track Safety Standards which provides procedures for track owners to use Gage Restraint Measuring Systems (GRMS) to assess the ability of their track to maintain proper gage.

Likewise, this action temporarily delays for 60 days the effective date of the document entitled Track Safety Standards; Correction, published in the **Federal Register** on January 31, 2001, 66 FR 8372. This document corrects inadvertent errors contained in the above rule.

**DATES:** The effective date of the final rule amending 49 CFR part 213 published in the **Federal Register** on January 10, 2001, at 66 FR 1894, is delayed for 60 days, from April 10, 2001, until June 9, 2001. The effective date of the Corrections to the final rule amending 49 CFR part 213 published in the **Federal Register** on January 31, 2001, at 66 FR 8372 is delayed for 60 days, from April 10, 2001, until June 9, 2001.

**FOR FURTHER INFORMATION CONTACT:** Nancy Lummen Lewis, Office of Chief

Counsel, Federal Railroad Administration, 1120 Vermont Avenue, NW., Mail Stop 10, Washington, DC 20590 (telephone: 202-493-6047).

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, FRA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Issued in Washington, DC on January 31, 2001.

**Ray Rogers,**

*Acting Deputy Administrator.*

[FR Doc. 01-3211 Filed 2-8-01; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 390

[Docket Nos. FMCSA-97-2858 and FMCSA-99-5710]

RINs 2126-AA51 and 2126-A44 [formerly RINs 2125-E22 and 2125-AE60]

### Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs; Delay of Effective Date

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

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief

of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action temporarily delays for 60 days the effective date of the final rule entitled "Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs," published in the **Federal Register** on January 11, 2001, at 66 FR 2756. That rule adopts the statutory definition of a commercial motor vehicle (CMV) at 49 U.S.C. 31132; and amends the Federal Motor Carrier Safety Regulations to require that motor carriers operating CMVs designed or used to transport between 9 and 15 passengers (including the driver) for compensation file a motor carrier identification report, mark their CMVs with a USDOT identification number, and maintain an accident register.

**DATES:** The effective date of the final rule amending 49 CFR part 390 published at 66 FR 2756, January 11, 2001, is delayed for 60 days from February 12, 2001, until April 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations (MC-PSV), (202) 366-4009; or Mr. Charles E. Medalen, Office of the Chief Counsel (MC-CC), (202) 366-1354, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the FMCSA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impracticable, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Dated: February 2, 2001.

**Julie Anna Cirillo,**

*Assistant Administrator and Chief Safety Officer.*

[FR Doc. 01-3210 Filed 2-8-01; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 611

RIN 2132-AA63

### Major Capital Investment Projects; Partial Stay

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Final rule; partial stay of effectiveness.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily stays 49 CFR part 611, Major Capital Investment Projects, which was published in the **Federal Register** on December 7, 2000, at 65 FR 76864, with an effective date of February 5, 2001. That rule describes the procedures that FTA will use in the New Starts project evaluation and rating process. This temporary stay will allow the Department an opportunity for further consideration of this rule.

**DATES:** Effective February 5, 2001, 49 CFR part 611 is stayed until April 6, 2001, except for paragraphs (a)(1)(i)-(ii) and (d) of Appendix A to Part 611, which will become effective September 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** For program issues, John Day, Office of Policy Development, FTA, (202) 366-4060. For legal issues, Scott A. Biehl, Assistant Chief Counsel, FTA, (202) 366-4063.

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, FTA's implementation of this action without opportunity for public comment, effective February 5, 2001, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day stay of the rule is necessary to give Department officials the opportunity for further