

FCC Reference Center (Room 239), 1919 M Street, NW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, D.C. 20037.

Additionally, Channel 289A can be allotted to Tell City, Indiana, in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.0 kilometers (7.5 miles) south in order to avoid short-spacings Station WASE(FM), Channel 288A, Fort Knox, Kentucky, and to the licensed and application sites of Station WQNF(FM), Channel 290A, Valley Station, Kentucky. The coordinates for Channel 289A at Tell City are North Latitude 37-51-12 and West Longitude 86-43-14.

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.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 94-32274 Filed 12-30-94; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 94-143]

#### Television Broadcasting Services: Albion, Nebraska

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to allot television Channel 24 to Albion, Nebraska, in order to permit Citadel Communications Co., Inc. to amend its pending application (File No. BPCT-930726KH) for Channel 18 in Albion to specify Channel 24 without loss of cut-off protection. This would enable the FCC to grant both this application and

the mutually exclusive application for Channel 18 filed by Fant Broadcasting of Nebraska, Inc. (File No. BPCT-931115KF). In the event any party expresses an interest in applying for a UHF channel in Albion, the FCC is prepared to allot Channel 40 to accommodate this interest. The reference coordinates for Channel 24 at Albion, Nebraska, are 41-55-48 and 98-17-23.

**DATES:** Comments must be filed on or before February 13, 1995, and reply comments filed on or before February 28, 1995.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making* in MM Docket No. 94-143, adopted December 1, 1994, and released December 5, 1994. The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C., 20037.

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

Television broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 94-32275 Filed 12-30-94; 8:45 am]

BILLING CODE 6712-01-F

#### DEPARTMENT OF TRANSPORTATION

##### Federal Highway Administration

#### 49 CFR Parts 390, 391, 392, and 396

[FHWA Docket No. MC-89-5]

RIN 2125-AC27

#### Weight Threshold Adjustment for Commercial Motor Vehicles

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Withdrawal of advance notice of proposed rulemaking; closing of public docket.

**SUMMARY:** The FHWA is withdrawing its advance notice of proposed rulemaking (ANPRM) addressing the commercial motor vehicle weight threshold for the applicability of the Federal Motor

Carrier Safety Regulations (FMCSRs). The comments received in response to the ANPRM provided no significant evidence to support amending the current regulations. The definition of "commercial motor vehicle" will remain unchanged.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey J. Van Ness, Office of Motor Carrier Standards, (202) 366-2981, or Mr. David Sett, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

**SUPPLEMENTARY INFORMATION:** On February 17, 1989, the FHWA published an ANPRM in which comments were requested on whether the FHWA should continue to use its current gross vehicle weight rating (GVWR) criterion in the definition of "commercial motor vehicle" found in 49 CFR 390.5 of the FMCSRs. 54 FR 7224. The FMCSRs apply to vehicles in interstate commerce having a GVWR or a gross combination weight rating (GCWR) of greater than 10,000 pounds (as well as certain vehicles transporting passengers and hazardous materials not addressed in the ANPRM). Comment was also sought on weight thresholds under State law. The ANPRM was issued expressly in response to a petition from the Delaware Department of Public Safety asking that State laws and regulations which apply only to commercial motor vehicles (CMVs) having a GVWR or a GCWR in excess of 26,000 pounds be considered compatible with the FMCSRs for purposes of the Motor Carrier Safety Assistance Program (MCSAP). Federal grant funds under MCSAP may be withheld from States with incompatible laws affecting either interstate or intrastate commerce.

The FHWA posed various questions in the ANPRM in regard to changing the weight criterion, including whether the threshold should be raised and whether factors other than the GVWR should be included in the definition of commercial motor vehicles as found in 49 CFR 390.5. Noting the higher accident rate for vehicles with a GVWR above 26,000 pounds than for those below, the FHWA further stated it was particularly interested in receiving accident and enforcement data from the various States and local governments, some of which apply the higher threshold. The FHWA also requested that commenters submit any other information available concerning the