

553(d)(3), we conclude that “good cause” exists to have the rule amendments set forth in this Report and Order take effect immediately upon publication in the **Federal Register**. The Commission’s next auction is presently scheduled to commence on August 29, 1995, and short-form applications for that auction are due on July 28, 1995.<sup>10</sup> In order to provide for a smooth transition to the new computer system and software discussed in this Report and Order, it is necessary to institute our fee schedule prior to the start of this upcoming auction.

**List of Subjects in 47 CFR Part 1**

Administrative practice and procedure.

Federal Communications Commission.  
**William F. Caton,**  
*Acting Secretary.*

**Rule Changes**

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 1—PRACTICE AND PROCEDURE**

1. The authority citation continues to read as follows:

**Authority:** 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Sections 1.1181 and 1.1182 are added to Subpart G to read as follows:

**§ 1.1181 Authority to prescribe and collect fees for competitive bidding-related services and products.**

Authority to prescribe, impose, and collect fees for expenses incurred by the government is governed by the Independent Offices Appropriation Act of 1952, as amended, 31 U.S.C. 9701, which authorizes agencies to prescribe regulations that establish charges for the provision of government services and products. Under this authority, the Federal Communications Commission may prescribe and collect fees for competitive bidding-related services and products as specified in § 1.1182.

**§ 1.1182 Schedule of fees for products and services provided by the Commission in connection with competitive bidding procedures.**

Product or service	Fee amount	Payment procedure
On-line remote access 900 Number Telephone Service).	2.30 per minute .....	Charges included on customer's long distance telephone bill.
Remote Bidding Software .....	\$175.00 per package .....	Payment to auction contractor by credit card or check. (Public Notice will specify exact payment procedures.)
Bidder Information Package .....	First package free; \$16.00 per additional package (including postage) to same person or entity.	Payment to auction contractor by credit card or check. (Public Notice will specify exact payment procedures.)

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**47 CFR Part 73**

[MM Docket No. 95-52; RM-8604]

**Radio Broadcasting Services; Roann, IN**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 270A to Roann, Indiana, as that community’s first local aural transmission service, in response to a petition for rule making filed on behalf of Roann Broadcasting. See 60 FR 22022, May 4, 1995. Roann is located within 320 kilometers (199 miles) of the United States-Canadian border and therefore, concurrence of the Canadian government in this proposal was obtained. Coordinates used for Channel 270A at Roann are 40-55-18 and 85-55-30. With this action, the proceeding is terminated.

**DATES:** Effective September 5, 1995. The window period for filing applications will open on September 5, 1995, and close on October 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 270A at Roann should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Report and Order*, MM Docket No. 95-52, adopted July 13, 1995, and released July 20, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC’s Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street NW., Room 246, or 2100 M Street NW., Suite 140, Washington, DC 20037.

**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:

**PART 73—[AMENDED]**

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

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by adding Roann, Channel 270A.

Federal Communications Commission.

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

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BILLING CODE 6712-01-F

**INTERSTATE COMMERCE COMMISSION**

**49 CFR Part 1039**

[Ex Parte No. 346 (Sub-No. 34)]

**Rail General Exemption Authority—Exemption of Hydraulic Cement**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule with request for comments.

<sup>10</sup> See Public Notice, DA 95-1420, released June 23, 1995.

**SUMMARY:** The Commission is exempting from regulation the transportation by rail of hydraulic cement (STCC No. 32-4). Except for those shipments from the South Dakota State Cement Plant Commission (herein "Dacotah") cement plant in Rapid City, SD, as to which further comment is sought, this commodity is added to the list of exempt commodities, as set forth below. This exemption does not embrace exemptions from regulation of car hire and car service.

**DATES:** This final rule is effective on August 25, 1995. Comments are due on August 25, 1995. Replies to comments are due on September 14, 1995.

**ADDRESSES:** Comments referring to Ex Parte No. 346 (Sub-No. 34) to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW, Washington, DC 20423

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** For further information, see the Commission's printed decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services: (202) 927-5721.]

On October 21, 1993, at 58 FR 54317, we requested comments on a proposal

by the Association of American Railroads (AAR) to exempt from regulation the railroad transportation of hydraulic cement. The comments have been received and analyzed. We are approving AAR's proposal except for those shipments of hydraulic cement from the Dacotah cement plant at Rapid City, SD.

The Commission seeks comments on (1) whether the Dacotah Cement facility at Rapid City, SD is rail captive and (2) the extent to which the Commission's decision in *Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control—Chicago and North Western Transportation Company and Chicago and North Western Railway Company*, Finance Docket No. 32133 (ICC served Mar. 7, 1995) has an impact on the Commission's consideration on this matter. Comments shall be due August 25, 1995. Replies to the comments are due September 14, 1995.

We reaffirm our initial finding that the exemption will not significantly affect either the quality of the human environment or the conservation of energy resources. We also reaffirm our initial finding that the exemption will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 49 CFR Part 1039.

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

Decided: July 14, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

**Vernon A. Williams,**  
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1039 of the Code of Federal Regulations is amended as follows:

#### PART 1039—EXEMPTIONS

1. The authority citation for part 1039 continues to read as follows:

**Authority:** 49 U.S.C. 10321 and 10505; and 5 U.S.C. 553.

2. In § 1039.11, the table in paragraph (a) is amended by adding the following new entry in the correct numerical order to STCC tariff 6001-V to read as follows:

#### § 1039.11 Miscellaneous commodities exemptions.

(a) \* \* \*

STCC No.	STCC tariff	Commodity
* * *	* * *	* * *
32-4 .....	6001-V, eff.1-1-94.	Hydraulic cement, except shipments from the Dacotah Cement plant at Rapid City, SD.
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