

final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCFA. For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### X. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 22, 2006.

**James Jones,**

*Director, Office of Pesticide Programs.*

■ Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(g), 346a and 371.

■ 2. Section 180.1273 is added to subpart D to read as follows:

#### § 180.1273 *Beauveria bassiana* HF23; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established on all food/feed commodities, for residues of *Beauveria bassiana* HF23 when the pesticide is used for chicken manure treatment.

[FR Doc. E7-170 Filed 1-9-07; 8:45 am]

**BILLING CODE 6560-50-S**

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 06-2562; MB Docket No. 05-85, RM-11164]

#### Radio Broadcasting Services; Hennessey, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Linda Crawford, allots Channel 249A at Hennessey, Oklahoma, as the community's first local FM service. Channel 249A can be allotted to Hennessey, Oklahoma, in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.7 kilometers (4.8 miles) west of Hennessey. The coordinates for Channel 249A at Hennessey, Oklahoma, are 36-07-55 North Latitude and 97-58-46 West Longitude.

**DATES:** Effective February 5, 2007.

**FOR FURTHER INFORMATION CONTACT:** Deborah Dupont, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 05-85, adopted December 20, 2006, and released December 22, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445

12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see U.S.C. 801(a)(1)(A).

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

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended 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 Oklahoma, is amended by adding Hennessey, Channel 249A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E7-183 Filed 1-9-07; 8:45 am]

**BILLING CODE 6712-01-P**

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 06-2564; MB Docket No. 03-13; RM-10628]

#### Radio Broadcasting Services; Johnston City and Marion, IL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; dismissal of application for review.

**SUMMARY:** In response to a request for dismissal of the Application for Review of the *Report and Order*, in this proceeding, the Application for Review is dismissed.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order*, MB

Docket No. 03–13, adopted December 20, 2006, and released December 22, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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

Radio, Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E7–184 Filed 1–9–07; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 225

[FRA–2006–26565, Notice No. 1]

#### Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2007

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

**ACTION:** Final rule.

**SUMMARY:** This rule increases the rail equipment accident/incident reporting threshold from \$7,700 to \$8,200 for

certain railroad accidents/incidents involving property damage that occur during calendar year 2007. This action is needed to ensure that FRA's reporting requirements reflect cost increases that have occurred since the reporting threshold was last computed in 2005.

**DATES:** *Effective Date:* This regulation is effective January 1, 2007.

*Applicability Date:* The revised reporting threshold value of \$8,200 is not applicable to 49 CFR part 219—Control of Alcohol and Drug Use, and 49 CFR part 240—Qualification and Certification of Locomotive Engineers, until January 10, 2007, due to delayed final rule publication. Consequently, for purposes of 49 CFR parts 219 and 240 only, a rail equipment accident/incident should be considered reportable under 49 CFR part 225, through January 9, 2007, if the resultant damages are greater than \$7,700.

#### FOR FURTHER INFORMATION CONTACT:

Arnel B. Rivera, Staff Director, Office of Safety Analysis, RRS–22, Mail Stop 17, FRA, 1120 Vermont Ave., NW., Washington, DC 20590 (telephone 202–493–1331); or Sandra S. Ries, Trial Attorney, Office of Chief Counsel, RCC–10, Mail Stop 10, FRA, 1120 Vermont Ave., NW., Washington, DC 20590 (telephone 202–493–6047).

#### SUPPLEMENTARY INFORMATION:

##### Background

A “rail equipment accident/incident” is a collision, derailment, fire, explosion, act of God, or other event involving the operation of railroad on-track equipment (standing or moving) that results in damages to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material, greater than

the reporting threshold for the year in which the event occurs. 49 CFR 225.19(c). Each rail equipment accident/incident must be reported to FRA using the Rail Equipment Accident/Incident Report (Form FRA F 6180.54). 49 CFR 225.19(b) and (c). As revised, effective in 1997, paragraphs (c) and (e) of 49 CFR 225.19 provide that the dollar figure that constitutes the reporting threshold for rail equipment accidents/incidents will be adjusted, if necessary, every year in accordance with the procedures outlined in appendix B to part 225 to reflect any cost increases or decreases. 61 FR 30940 (June 18, 1996); 61 FR 60632 (Nov. 29, 1996); 61 FR 67477 (Dec. 23, 1996); 62 FR 63675 (Dec. 2, 1997); 63 FR 71790 (Dec. 30, 1998); 64 FR 69193 (Dec. 10, 1999); 65 FR 69884 (Nov. 21, 2000); 66 FR 66346 (Dec. 26, 2001); 67 FR 79533 (Dec. 30, 2002); 70 FR 75414 (Dec. 20, 2005).

#### New Reporting Threshold

Approximately one year has passed since the rail equipment accident/incident reporting threshold was revised. 70 FR 75414 (December 20, 2005). Consequently, FRA has recalculated the threshold, as required by § 225.19(c), based on increased costs for labor and increased costs for equipment. FRA has determined that the current reporting threshold of \$7,700, which applies to rail equipment accidents/incidents that occur during calendar year 2006, should increase by \$500 to \$8,200 for equipment accidents/incidents occurring during calendar year 2007, effective January 1, 2007. The specific inputs to the equation set forth in appendix B (i.e.,  $T_{new} = T_{prior} * [1 + 0.4(W_{new} - W_{prior})/W_{prior} + 0.6(E_{new} - E_{prior})/100]$ ) to part 225 are:

T <sub>prior</sub>	W <sub>new</sub>	W <sub>prior</sub>	E <sub>new</sub>	E <sub>prior</sub>
\$7,700	\$21.458	\$21.0556305	169.7	160.1666667

Where:  $T_{new}$  = New threshold;  $T_{prior}$  = Prior threshold (with reference to the threshold, “prior” refers to the previous threshold rounded to the nearest \$100, as reported in the **Federal Register**);  $W_{new}$  = New average hourly wage rate, in dollars;  $W_{prior}$  = Prior average hourly wage rate, in dollars;  $E_{new}$  = New equipment average PPI value;  $E_{prior}$  = Prior equipment average PPI value. Using the above figures, the calculated new threshold, ( $T_{new}$ ) is \$8199.30, which is rounded to the nearest \$100 for a final new reporting threshold of \$8,200.

#### Notice and Comment Procedures

In this rule, FRA has recalculated the monetary reporting threshold based on the formula discussed in detail and adopted, after notice and comment, in the final rule published December 20, 2005, 70 FR 75414. FRA has found that both the current cost data inserted into this pre-existing formula and the original cost data that they replace were obtained from reliable Federal government sources. FRA has found that this rule imposes no additional burden on any person, but rather provides a benefit by permitting the valid comparison of accident data over time.

Accordingly, finding that notice and comment procedures are either impracticable, unnecessary, or contrary to the public interest, FRA is proceeding directly to the final rule.

#### Regulatory Impact

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rule has been evaluated in accordance with existing policies and procedures, and determined to be non-significant under both Executive Order 12866 and DOT policies and procedures (44 FR 11034 (Feb. 26, 1979)).