

communities that can lead to better service to the public. Indeed, in our recently completed children's television proceeding we encouraged stations to post their Children's Educational Programming Reports on their Web sites. We wish to explore other ways in which information now maintained in the local public inspection file could be made available to the internet.

29. We realize, of course, that many Americans and broadcast stations do not have internet access or even computers. There may be options, however, that would allow stations to take advantage of this new technology in ways that reduce paperwork burdens while at the same time provide the public greater access to information about the station. For example, we seek comment on giving stations the option of maintaining all or part of the public inspection file in a computer database rather than in paper files. For example, commercial television licensees will soon be able to complete their Children's Television Programming Reports directly on their computers and then file them electronically with the FCC. A station that chooses to do so could also maintain these Reports in a computer file at its station rather than placing them in its "paper" public inspection file as it is presently required to do every quarter. The station that chooses this option would be required to make a computer terminal available to members of the public interested in reviewing the station's "electronic" public file, and also, as set forth under the current rules, would be required to provide paper copies of such public file materials on request. We would also encourage such stations to post their "electronic" public files on any World Wide Web sites they maintain. We seek comment on this option as well as other means of using computer technology to provide access to public inspection file materials.

30. In this *document* we review various aspects of our main studio and local public inspection file rules. In doing so, we seek to minimize regulatory burdens and facilitate meaningful interaction between broadcast stations and the communities they serve. We have traditionally relied on this interaction as a primary means of ensuring that broadcasters are responsive to the needs and interests of their communities.

31. *Authority.* This *document* is issued pursuant to authority contained in §§ 4(i), 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303, 307.

### Paperwork Reduction Act

This NPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB comments are due August 11, 1997. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Approval Number:* New Collection (will modify four existing collections: 3060-0171, § 73.1125-Station main studio location; 3060-0214, § 73.3526-Local Public Inspection File of Commercial Stations; 3060-0215, § 73.3527-Local Public Inspection File of Noncommercial Educational Stations; and 3060-0211, § 73.1943-Political File.

*Title:* Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations.

*Form No.:* None

*Type of Review:* New collection

*Respondents:* Licensees/permittees of broadcast stations

*Number of Respondents, Estimated Time Per Response, Total Annual Burden:* Section 73.1125 requires the filing of an estimated 135 notifications per year with an average burden of 0.5 hours per request. Section 73.3526 requires an estimated 10,262 commercial radio stations to maintain a public inspection file. The average burden on a commercial radio licensee/permittee is 2 hours per week (104 hours per year) to maintain a public inspection file. We also estimate that 1,187 commercial television stations will be required to maintain a public inspection file. The average burden on a commercial television licensee/permittee is 2.5 hours per week (130 hours per year) to maintain a public inspection file. These estimates for § 73.3526 contain only the burden associated with the public inspection

file. Section 73.3527 requires an estimated 2,214 noncommercial educational radio and television stations to maintain a public inspection file. The average burden on such a licensee/permittee is 2 hours per week (104 hours per year) to maintain a public inspection file. This estimate for § 73.3527 contains only the burden associated with the public inspection file. With respect to § 73.1943, we estimate that 25 political broadcasts per station (13,664 stations) will be made and a record kept with an average burden of 0.25 hours per request. The total annual burden for these collections is 1,537,282 hours. These figures are contingent on any decision reached upon adoption of a Report and Order.

*Needs and Uses:* The main studio and public file rules seek to ensure that members of the local community have access to the broadcast stations that are obligated under the FCC's rules to serve them. This rule making proceeding seeks to relieve undue regulatory burdens while retaining basic obligations of broadcast licensees to serve their communities of license.

For information regarding proper filing procedures for comments, see 47 CFR §§ 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Television broadcasting, Radio broadcasting.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-15389 Filed 6-11-97; 8:45 am]

BILLING CODE 6712-01-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Parts 390, 392, and 393

[FHWA Docket No. MC-97-5; FHWA-97-2364]

RIN 2125-AD40

#### Parts and Accessories Necessary for Safe Operation; General Amendments

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

**ACTION:** Extension of comment period.

**SUMMARY:** The FHWA is extending the comment period for its April 14, 1997, notice of proposed rulemaking (NPRM) in which the agency proposed amendments to part 393 of the Federal Motor Carrier Safety Regulations (FMCSRs). The extension is in response to a request from the Motor and

Equipment Manufacturers Association (MEMA). The FHWA has determined that granting the extension is appropriate given the complexity of the NPRM and the need for informed responses from potential commenters.

**DATES:** Signed, written comments must be received on or before July 28, 1997.

**ADDRESSES:** Comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry W. Minor, Office of Motor Carrier Research and Standards, HCS-10, (202) 366-4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 14, 1997 (62 FR 18170), the FHWA published a NPRM concerning part 393 of the Federal Motor Carrier Safety Regulations (FMCSRs), and requesting comments on the proposed amendments by June 13, 1997. The proposed changes are intended to remove obsolete and redundant regulations; respond to several petitions for rulemaking; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR 571); and codify certain FHWA regulatory guidance concerning the requirements of part 393. Generally, the amendments do not involve the establishment of new or more stringent requirements but a clarification of existing requirements. The FHWA indicated that this action is consistent with the President's Regulatory Reinvention Initiative and furthers the FHWA's ongoing Zero-Base Regulatory Review in that it proposes to make many sections more concise, easier to understand and more performance oriented.

**Request for an Extension of the Comment Period**

The Motor and Equipment Manufacturers Association (MEMA) requested a 30-day extension of the comment period in order to develop "meaningful and responsive comments, in part supported by testing and other technical data which will take additional time to assemble. \* \* \*" The MEMA specifically requested additional time to formulate comments in response to the proposed amendments in § 393.25, *Requirements for lamps other than head lamps*, § 393.45, *Brake tubing and hose, adequacy*, and § 393.46, *Brake tubing and hose connections*. A copy of the MEMA request is included in the docket.

**FHWA Decision**

The FHWA has determined that the request should be granted, given the complexity of the Society of Automotive Engineers (SAE) recommended practices and standards that the agency proposed to incorporate by reference. The FHWA proposed that marker lamps on projecting loads, all lamps temporarily attached to vehicles transported in driveaway-towaway operations, and all lamps on converter dollies and pole trailers be required to meet the following applicable SAE standards: J586—*"Stop Lamps for Use on Motor Vehicles Less Than 2032 mm in Overall Width,"* December 1989; J1398—*"Stop Lamps for Use on Motor Vehicles 2032 mm or More in Overall Width,"* May 1985; J585—*"Tail Lamps (Rear Position Lamps) for Use on Motor Vehicles Less Than 2032 mm in Overall Width,"* December 1994; J588—*"Turn Signal Lamps for Use on Motor Vehicles Less Than 2032 mm in Overall Width,"* December 1994; J2040—*Tail Lamps (Rear Position Lamps) for Use on Motor Vehicles 2032 mm or More in Overall Width,"* June 1991; J588—*"Turn Signal Lamps for Use on Motor Vehicles Less Than 2032 mm in Overall Width,"* December 1994; J1395—*"Front and Rear Turn Signal Lamps for Use on Motor Vehicles 2032 mm or More Overall Width,"* June 1991; J592—*"Clearance, Side Marker, and Identification Lamps,"* December 1994.

The agency also proposed that amber Class 2 or Class 3, 360 degree warning lamps must meet SAE J845—*"360 Degree Warning Lamp for Authorized Emergency, Maintenance and Service Vehicles,"* March 1992. Class 1, 360 degree warning lamps would be prohibited. Amber flashing warning lamps would be required to meet SAE J595—*"Flashing Warning Lamps for*

*Authorized Emergency, Maintenance and Service Vehicles,"* January 1990. Amber Class 2 or Class 3 gaseous discharge warning lamps would be required to meet SAE J1318—*"Gaseous Discharge Warning Lamp for Authorized Emergency, Maintenance, and Service Vehicles,"* April 1986.

With regard to brake hoses, the FHWA proposed that coiled nylon brake hose or hose assemblies must meet SAE J844, *"Nonmetallic Air Brake System Tubing,"* October 1994. The proposed regulation would list the three exceptions that the National Highway Traffic Safety Administration's brake hose standard, 49 CFR 571.106, provides for coiled nylon brake tubing. Paragraphs S7.3.6 (length change), S7.3.10 (tensile strength), and S7.3.11 (tensile strength of an assembly after immersion in water) of 49 CFR 571.106 cross reference § 393.45 and indicate that certain coiled tubing that meets the requirements of § 393.45 is not required to meet the testing requirements described in those paragraphs.

The FHWA is mindful of the need for all interested parties to have enough time to prepare relevant and useful comments. Therefore, the FHWA is extending the comment period on Docket FHWA MC 97-5; FHWA-97-2364 for a 45-day period, to July 28, 1997.

All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the above address. Comments received after the closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will continue to file relevant information in the docket as it becomes available after the comment closing date, and interested parties should continue to examine the docket for new materials.

**List of Subjects in 49 CFR Part 390**

Highway safety, Highways and roads, Intermodal transportation, Motor carriers, Motor vehicle identification, Motor vehicle safety, Reporting and recordkeeping requirements.

**49 CFR Part 392**

Highway safety, Highways and roads, Motor carriers—driving practices, Motor vehicle safety.

**49 CFR Part 393**

Highways and roads, Incorporation by reference, Motor carriers, Motor vehicle equipment, Motor vehicle safety.

**Authority:** 49 U.S.C. 31136, 31502; 49 CFR 1.48.

Issued on: June 6, 1997.

Jane Garvey,

Acting Federal Highway Administrator.

[FR Doc. 97-15440 Filed 6-11-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1157

[STB Ex Parte No. 563]

#### Commuter Rail Service Continuation Subsidies and Discontinuance Notices

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Surface Transportation Board (Board) is proposing to remove from the Code of Federal Regulations regulations concerning subsidies for the continuation of commuter rail service and notices of the discontinuance of commuter rail service.

**DATES:** Comments are due on July 14, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), abolished the Interstate Commerce Commission (ICC) and established the Board. Section 204(a) of the ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."

It appears that some of the regulations at 49 CFR part 1157 are based on repealed statutes. On the other hand, statutes outside the ICCTA refer to and hence may require the retention in substance of part 1157. We are instituting this proceeding to determine whether these regulations may be eliminated, or whether they have continuing validity and must be retained.

Part 1157 deals with the determination of commuter rail continuation subsidies for the Consolidated Rail Corporation (Conrail) (subpart A) and notices of the discontinuance of commuter rail service by Amtrak Commuter Services Corporation (Amtrak Commuter) (subpart B). The subpart A regulations are based in part on former 49 U.S.C. 10362, which, together with former section 10361, pertained to the Rail Services Planning Office (RSPO) of the

former ICC.<sup>1</sup> Both section 10361 and section 10362 were repealed by the ICCTA.<sup>2</sup> Moreover, the ICCTA removed the requirement in 45 U.S.C. 744(e) that RSPO issue regulations for rail passenger subsidies for Conrail. See section 327(3) of the ICCTA. Finally, under 49 U.S.C. 10501(c)(2) of the ICCTA, with certain exceptions not relevant here,<sup>3</sup> "the Board does not have jurisdiction under this part over mass transportation provided by a local governmental authority."<sup>4</sup> As described *infra*, however, the subpart A regulations are referred to in an Amtrak Commuter statute that is still in effect. Accordingly, we seek comment on whether subpart A can be eliminated.

The regulations in part 1157, subpart B are based on 49 U.S.C. 24505(e)(2).<sup>5</sup> As noted, while the ICCTA removed references in 45 U.S.C. 744(e) to

<sup>1</sup> These and other statutes will be discussed in greater detail, *infra*.

<sup>2</sup> Besides former 49 U.S.C. 10362, the regulations in part 1157, subpart A give for their statutory authority 49 U.S.C. 10321 and 5 U.S.C. 559. Section 10321, dealing with the ICC's general authority, has been carried over to 49 U.S.C. 721, while 5 U.S.C. 559 remains part of the Administrative Procedure Act.

<sup>3</sup> The exceptions, listed in section 10501(c)(3)(A), make safety, employee representation for collective bargaining, and other employee-related matters subject to applicable federal laws. Also, under section 10501(c)(3)(B), the Board has jurisdiction over transportation by local transportation authorities relating to use of terminal facilities (section 11102) and switch connections and tracks (section 11103).

<sup>4</sup> Under former 49 U.S.C. 10504(b)(2), the ICC did not have jurisdiction over mass transportation provided by a local governmental authority if the fares, or the authority to apply to the Commission for changes in those fares, were subject to the approval of the Governor of the state in which the transportation was provided. The ICCTA broadened this exemption, and the Board currently does not have jurisdiction whether or not the Governor can approve a fare. "This provision \* \* \* changes the statement of agency jurisdiction to reflect curtailment of regulatory jurisdiction in areas such as passenger transportation. \* \* \* (A)lthough regulation of passenger transportation is generally eliminated, public transportation authorities \* \* \* may invoke the terminal area and reciprocal switching access remedies of section 11102 and 11103." See H. R. Conf. Rep. No. 422, 104th Cong., 1st Sess. 167 (1995). See also, Commuter Rail Division of the Regional Transportation Authority of Northeast Illinois, D/B/A Metra—Exemption—Tariff Filing Requirements, Docket No. 41506 (STB, served Mar. 29, 1996).

<sup>5</sup> The statutory authority given for the regulations in part 1157, subpart B is "49 U.S.C. 504(d)(2)" while the text of the regulations cites "45 U.S.C. 504(d)(2)." Neither of these references is currently correct. Section 1137 of the Northeast Rail Service Act of 1981, discussed *infra*, contains a section 504(d)(2) which was originally codified at 45 U.S.C. 584(d)(2). Section 584 was repealed by Pub. L. No. 103-272, section 7(b), July 5, 1994, 108 Stat. 745, and recodified at 49 U.S.C. 24505(e)(2) as part of a general restructuring of the United States Code "(t)o restate the laws related to transportation in one comprehensive title \* \* \*." H.R. Rep. No. 180, 103d Cong., 2d Sess. 3 (1994), reprinted in 1994 U.S.C.A.N. 818, 820.

regulations issued by RSPO, section 24505(e)(2) still refers to RSPO prescribing regulations for Amtrak Commuter discontinuance notices. As indicated, however, under section 10501(c)(2) the Board does not have jurisdiction over local governmental authorities providing mass transportation. Additionally, neither the Board (nor the ICC before it) has jurisdiction to regulate any of Amtrak's service. We also seek comment on whether the subpart B regulations can be eliminated.

#### Background

To assist parties in commenting on whether part 1157 should be retained, we will briefly describe the rather complex statutory setting for the regulations.

The Rail Passenger Service Act of 1970, Pub. L. No. 91-518, 84 Stat. 1327 (1970) (Amtrak Act), created the National Railroad Passenger Corporation, known as Amtrak, a for-profit corporation. See 49 U.S.C. 24301 *et seq.*<sup>6</sup> Railroads that entered into contracts with Amtrak were relieved of their duties to provide intercity rail passenger service.

The Regional Rail Reorganization Act of 1973, Pub. L. No. 93-236, 87 Stat. 985, 45 U.S.C. 701 *et seq.* (3R Act) created Conrail as a for-profit corporation to reorganize the bankrupt rail services in the Northeast and Midwest. Conrail was required by the 3R Act to continue providing rail service if states or local transportation authorities made payments to subsidize unprofitable operations. Section 304. The 3R Act also created RSPO, which was authorized to issue standards for defining accounting terms used in section 304. Section 205(d).<sup>7</sup>

Subsequently, Congress enacted the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), which amended portions of the 3R Act and also added new sections. The 4R Act established, *inter alia*, a program of Federal financial assistance for the continuation of certain rail commuter passenger services in the Midwest and

<sup>6</sup> The Amtrak Act was originally codified at 45 U.S.C. 501-566.

<sup>7</sup> Under the eventual statutory codification, RSPO was established as "an office in the Interstate Commerce Commission." Former 49 U.S.C. 10361. In resolving the issue of whether final orders or regulations of RSPO were to be considered orders or regulations of the ICC, the court held that "(a)lthough Congress gave to the RSPO final administrative responsibility for certain determinations, we conclude that the RSPO is sufficiently part of the ICC so that its orders are to be considered orders of the ICC for purposes of the Hobbs Act." *Southeastern Pennsylvania Transp. Auth. v. I.C.C.*, 644 F.2d 238, 240, n.3 (3rd Cir. 1981).