information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before September 12, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0774.

Title: Federal-State Joint Board on Universal Service, CC Docket No. 96–45.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit; not-for-profit institutions; state or local or tribal government.

Number of Respondents: 5,565,451.

Estimated Time Per Response: 3.1 hours (avg.).

Cost to Respondents: N/A.

Total Annual Burden: 1,784,220 hours.

Needs and Uses: Congress has directed the Commission to implement a new set of universal service support mechanisms that are explicit and sufficient to advance the universal service principles enumerated in Section 254 of the Telecommunications Act of 1996 and such other principles as the Commission believes are necessary and appropriate for the protection of the public interest, convenience and necessity, and are consistent with the Act.

In the Report and Order, the Commission promulgates the rules and requirements to preserve and advance universal service. The collections are necessary to implement Section 254.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–21367 Filed 8–12–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FCC 97–264]

Supplemental Pleading Cycle Established for Comments on Petition for Declaratory Ruling of the Cellular Telecommunications Industry Association

Released: July 28, 1997.

On December 16, 1996, the Cellular Telecommunications Industry Association (CTIA) filed a Petition for Declaratory Ruling (''CTIA Petition'') requesting that the Commission preempt moratoria imposed by state and local governments on the siting of telecommunications facilities. On December 18, 1996, the Wireless Telecommunications Bureau issued a public notice, 62 FR 04047 (January 28, 1997), seeking comment on the CTIA Petition. CTIA and the supporting commenters contend that the Commission has the jurisdiction under Section 253(a) and 332(c)(3) of the Communications Act to preempt local siting moratoria because such moratoria are not individual land use ''decisions'' or ''disputes,'' which Congress has stated are to be reviewed by the courts under Section 332(c)(7) of the Communications Act, but rather are blanket ordinances that act as barriers to entry.

Following the submission of the comments on the CTIA Petition, representatives from CTIA and four wireless companies made ex parte presentations in which they raised additional issues and arguments. In the ex parte presentations, the representatives recommended that the Commission adopt guidelines for local moratoria. Specifically, they asked that we find that:

(1) All siting moratoria that exceed 90 days (current and prospective) are invalid and preempted as impermissible entry regulation of Commercial Mobile Radio Services (CMRS).

(2) Moratoria of open-ended duration constitute per se violations of Sections 253(a) and 332(c)(3) of the Communications Act.

(3) Moratoria that preclude the filing and processing of applications constitute per se violations.

(4) Moratoria that discriminate against new CMRS providers by allowing certain CMRS licensees to build and modify facilities while new entrants are precluded from deploying services should be declared per se invalid entry regulation.

(5) Moratoria based directly or indirectly on radiofrequency (RF) emissions and related health concerns should be per se preempted.

The Commission also received numerous comments and other ex parte filings arguing that the Commission does not have the jurisdiction to preempt state and local siting moratoria. Most recently, on July 15, 1997, the Commission's Local and State Government Advisory Committee (LSGAC) submitted an ex parte letter in which it argued that Congress had made clear its intent to protect state and local authority over the siting of personal wireless service facilities from interference by the Commission. LSGAC argued that neither Section 332(c)(3)(A) nor Section 253 of the Communications Act govern the adoption of siting moratoria by local governments. LSGAC contends that Section 332(c)(7) of the Communications Act provides that it is the only section of the Act that affects local land use authority over personal wireless service facilities and that Section 332(c)(7) reserves to courts of competent jurisdiction the settlement of local zoning disputes.

Based on our review of the record received in response to the CTIA Petition and the subsequent ex parte filings, we tentatively conclude that, pursuant to Sections 253(d) and 332(c)(3) of the Communications Act, we have the authority to consider whether local facility siting moratoria may prohibit or have the effect of prohibiting the ability of wireless service providers to offer service in violation of Section 253(a) or whether moratoria constitute local regulation of CMRS entry prohibited by Section 332(c)(3). We recognize that, pursuant to Section 332(c)(7)(B)(v), parties adversely affected by decisions regarding the placement, construction, and modification of personal wireless service facilities that are inconsistent with the limitations set forth in Sections 332(c)(7)(B)(i)-(iii) are directed to seek relief from a ''court of competent jurisdiction.'' We believe that Section 332(c)(7)(B)(v) does not, however, limit our authority to review local facility siting moratoria which may constitute entry barriers under Sections 253(d) or entry regulations under 332(c)(3). In this regard, certain moratoria, especially moratoria of unlimited duration, may constitute impermissible CMRS entry regulation or may prohibit or have the effect of prohibiting CMRS entry into a local marketplace. Accordingly, to the extent that moratoria of unlimited or unspecified duration may constitute barriers to the provision of telecommunications services, we believe that we have the jurisdiction to preclude such moratoria under Section

253(d) of the Communications Act and to the extent that such moratoria may constitute prohibited CMRS entry regulation, we believe that we have the jurisdiction to preclude them under Section 332(c)(3). In this regard, we tentatively conclude that moratoria that do not specify any fixed length of duration are not ''decisions'' regarding the placement, construction and modification of personal wireless facilities which, pursuant to Section 332(c)(7)(A) of the Communications Act, are subject to review by the courts. At the same time, we recognize that a moratorium of a fixed duration, which permits local officials a reasonable period of time to study and develop a process for handling wireless siting requests may be a legitimate exercise of local land use authority which may benefit all parties. Therefore, we tentatively conclude that Sections 253(d) and 332(c)(3) do not preclude all local facilities siting moratoria and that some moratoria of a relatively short and fixed duration may serve the public interest.

Through this supplemental public notice, we tentatively conclude that we should preclude local facilities siting moratoria of unlimited or unspecified duration as impermissible CMRS entry regulation in violation of Section 332(c)(3) or barriers to entry under Section 253(a) and seek comment on this tentative conclusion. We also seek comment on whether moratoria of a specified duration, but which exceed a certain length of time, may also constitute impermissible barriers to entry or CMRS entry regulation. If so, at what length of time do moratoria become barriers to entry? We note that CTIA and the supporting parties have argued that moratoria should not exceed 90 days. In Sprint Spectrum, L.P. v. City of Medina, a federal district court found that a city's six month moratorium on the issuance of new special use permits for wireless communications facilities did not violate Section 332(c)(3) or 332(c)(7)(A) of the Communications Act. We seek comment as to what constitutes a reasonable period of time to permit local land use authorities to organize their siting efforts and analyze the situation. We request that all commenters supporting a specific length of time provide a detailed justification for that length of time, and we request that state and local governments advocating moratoria of a certain length of time include evidence as to the length of time it has taken historically to develop a process for handling wireless siting requests. We seek to determine also whether such limits should be applied to all existing moratoria or only to moratoria that are adopted in the future.

In addition, we seek comment as to whether moratoria that are imposed only against the siting of wireless facilities of new CMRS entrants but that permit existing CMRS operators to construct or modify facilities are consistent with Sections 253(a) and 332(c)(3) of the Communications Act. We seek to determine whether such disparate treatment constitutes discrimination against new CMRS providers and is, therefore, invalid entry regulation, or prohibits or has the effect of prohibiting entry.

Finally, we tentatively conclude that moratoria that would otherwise comply with the above-outlined limitations may violate Section 332(c)(7)(B)(iv) of the Communications Act if they are based upon concerns regarding the environmental effects of RF emissions. We seek comment on this tentative conclusion.

Interested parties should file comments on the issues raised in this Public Notice on or before September 11, 1997, and should file reply comments on or before September 26, 1997. Comments and reply comments must be filed with the Secretary, FCC 1919 M Street, N.W., Washington, DC 20554. One copy of comments and reply comments should be sent to Shaun A. Maher, Esq., Policy & Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, Seventh Floor—Room 93, 2100 M Street, N.W., Washington, DC 20554. One copy should also be sent to the Commission's contractor for public service records duplication, International Transcription Service, Inc. (ITS), 1231 20th Street, N.W., Washington, DC 20036. Parties filing comments in this non-docketed proceeding should include the internal reference numbers, DA 96–2140 and FCC 97–264, on their pleadings.

Parties are encouraged to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements presented above. Parties submitting diskettes should submit them to Shaun A. Maher, at the above-outlined address. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible form using Word Perfect 5.1 for Windows software. The diskette should be submitted in ''read only'' mode, and should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comment) and date of submission.

The full text of all comments and reply comments will be available for inspection and duplication during regular business hours in the Commercial Wireless Division Public Reference Room, 2025 M Street, N.W., Room 5608, Washington, D.C. 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857–3800.

We will continue to treat this proceeding as permit-but-disclose for purposes of the Commission's ex parte rules. See generally 47 CFR §§ 1.1200–1.1216.

For further information, contact Shaun A. Maher of the Wireless Telecommunications Bureau, at 202–418–7240 (email: smaher@fcc.gov).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–21372 Filed 8–12–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEMA Invites State, Tribal, and Local Government Representation in the Radiological Emergency Preparedness (REP) Program Strategic Review

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: Under the authority of the Unfunded Mandates Reform Act of 1995 and in order to gather information pursuant to the REP Program strategic review, FEMA has sent out letters inviting States and Indian Tribal nations impacted by the REP Program to designate representatives to assist FEMA in its REP Program strategic review. The designated representatives may be asked to serve on issue teams, contribute ideas toward refining FEMA's exercise evaluation methodology, participate in a focus group discussion that addresses new REP Program recommendations, or participate in conference calls.

FOR FURTHER INFORMATION CONTACT: D. Anne Martin, Deputy Director, Exercises Division, Preparedness, Training and Exercises Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2738.