

Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Room 5-B540, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM-compatible format using Microsoft Word 97 for Windows or a compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read-only" mode. The diskette should be clearly labeled with the commenter's name, proceeding, including the lead docket number in the proceeding (CC Docket No. 96-45), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ("Disk Copy Not an Original.") Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037.

62. Written comments by the public on the proposed and/or modified information collections discussed in this FNPRM are due November 30, 2000. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before January 8, 2001. In addition to filing comments with the Secretary, a copy of any comments on the information collection(s) contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov) and to Edward C. Springer, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503, or via the Internet to [vhuth@omb.eop.gov](mailto:vhuth@omb.eop.gov).

#### IV. Ordering Clauses

63. Pursuant to the authority contained in sections 1, 4(i), 4(j), 254, and 403, of the Communications Act of 1934, as amended, that this Further Notice of Proposed Rulemaking is adopted, that Comments are Requested as described, and that Notice is Hereby Given of proposed amendments to parts 54 of the Commission's rules, as described in this Further Notice of Proposed Rulemaking.

64. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the

Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 00-28728 Filed 11-8-00; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 00-44; FCC 00-343]

#### Extension of the Filing Requirement for Children's Television Programming Reports (FCC Form 398)

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document seeks comment on the tentative conclusion that broadcasters who maintain internet websites should be required to post their completed quarterly Children's Television Programming Reports (FCC Form 398) on these sites. The FCC 398 is required to be filed by commercial television broadcast stations each quarter. This form is used to provide information on the efforts of commercial television stations to provide children's educational and informational programs aired to meet its obligation under the Children's Television Act of 1990 (CTA). Although the Children's Television Programming Reports are available in a central location on the FCC's website, members of the public may look first to their local broadcast station for information about programming at the station, making station website posting useful.

**DATES:** Comments must be filed on or before December 18, 2000; reply comments must be filed on or before January 17, 2001. Written comments by the public on the proposed information collections are due on or before December 18, 2000. Written comments must be submitted by the Office of Management and Budget (PMB) on the proposed information collection(s) on or before January 8, 2001.

**FOR FURTHER INFORMATION CONTACT:** Kim Matthews, Policy and Rules Division, Mass Media Bureau, at (202) 418-2130, TTY (202) 418-2989. For additional information concerning the information collection(s) contained in this document, contact Judy Boley at 202-418-0214, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Further Notice of*

*Proposed Rule Making* ("FNPRM") in MM Docket No. 00-44, FCC 00-343, adopted on September 14, 2000, and released on October 5, 2000. The full text of this decision is available for inspection and copying during regular business hours in the FCC Reference Center, 445 Twelfth Street, SW, Room CY-A257, Washington DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 445 Twelfth Street, SW, Room CY-B402, Washington DC. The complete text is also available under the file name [fcc00343.pdf](http://www.fcc.gov) on the Commission's Internet site at [www.fcc.gov](http://www.fcc.gov).

This document contains proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). The general public and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

#### Electronic Access and Filing Addresses

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form, <your e-mail address>." A sample form and directions will be sent in reply.

#### Paperwork Reduction Act

This document contains a proposed 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 collection(s) contained in the FNPRM, 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 FNPRM; OMB comments are due January 8, 2001. 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) ways to enhance the quality, utility, and clarity of the information collected; (c) 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 Control Number:* 3060-XXXX.

*Title:* FNPRM—Extension of the Filing Requirement for Children's Television Programming Reports.

*Form No.:* FCC Form 398.

*Type of Review:* revision of existing collection.

*Respondents:* business or other for-profit.

*Number of respondents:* 1,250.

*Estimated Time Per Response:* 6 hours.

*Total Annual Burden:* 30,000 hours.

*Total Annual Costs:* \$489,600.

The estimated time, burden and costs are based upon the existing burdens for the FCC 398. This burden could increase depending on what requirements are ultimately adopted.

*Needs and Uses:* The FCC 398 is required to be filed by commercial television broadcast stations each quarter. This form is used to provide information on the efforts of commercial television stations to provide children's educational and informational programs aired to meet its obligation under the Children's Television Act of 1990 (CTA). The FCC 398 facilitates consistency of reporting among all licensees and assist in efforts by the public and the Commission to monitor station compliance with the CTA. The FNPRM seeks comments on whether broadcasters should be required to provide their completed Children's Television Programming Reports at their own websites. Depending on what requirements are ultimately adopted, there may be an increase in the burden for this form.

### Synopsis of Further Notice of Proposed Rulemaking

1. We tentatively conclude that if a broadcaster maintains a website, it must post its quarterly report on that site at the same time that it places it in the station's public file. Although the Children's Television Programming Reports are available in a central location on the FCC's website, we believe that members of the public may look first to their local broadcast station, rather than the Commission, for information about the programming of the station. Our inclination is to allow stations, at their option, either to post the quarterly reports on the station's own internet website, or to create a link on the station's website directly to either the FCC's children's television webpage or to the station's most recent quarterly report on the FCC's children's television website. We note that NAB argues that it may cost stations more to provide the required form at their

websites. Allowing stations simply to create a link to the FCC's website provides a less costly alternative. This option also responds to NAB's concern about any unnecessary duplication of effort associated with making the reports available both on the FCC's and the station's websites. Broadcasters must currently retain a paper copy of the report in their station public inspection file until final action has been taken on the station's next renewal of license. We seek comment on whether broadcasters that elect to maintain the reports on their own station websites should be required to maintain these reports on the website until final action has been taken on the station's next license renewal application.

2. Because the Commission's own website provides a central location where the public can access reports from all stations in their community and across the country, we want to ensure that the information on our website is easily accessible by the public. In response to a request from CME *et al.*, the Commission staff has created a link directly from its internet homepage to its children's television webpage. We note that interested organizations can create links directly from their own websites to our children's television website if they choose.

### Administrative Matters

3. *Comments and Reply Comments.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, §§ 1.415, 1.419, interested parties may file comments on or before December 18, 2000 and reply comments on or before January 17, 2001. Comments may be filed using the Commission's Electronic Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

4. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should

include the following words in the body of the message, "get form, <your e-mail address.>" A sample form and directions will be sent in reply.

5. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W.; TW-A325, Washington, DC 20554.

6. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Wanda Hardy, 445 Twelfth Street, S.W.; 2-C221, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the docket number (MM Docket No. 00-44), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 445 Twelfth Street, S.W.; CY-B402, Washington, DC 20554.

7. *Ex Parte Rules.* This is a permit-but-disclose notice and comment rulemaking proceeding. Ex parte presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's Rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

8. *Initial Regulatory Flexibility Analysis.* With respect to the FNPRM, an Initial Regulatory Flexibility Analysis ("IRFA"). As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an IRFA of the expected impact on small entities of the proposals contained in this FNPRM. Written public comments are requested on the IRFA. In order to fulfill the mandate of the Contract With America Advancement Act of 1996 regarding the Final Regulatory Flexibility Analysis, we ask a number of

questions in our IRFA regarding the prevalence of small business in the television broadcasting industry. Comments on the IRFA must be filed in accordance with the same filing deadlines as comments on the *FNPRM*, but they must have a distinct heading designating them as responses to the IRFA. The Commission's Consumer Information Bureau shall send a copy of this *FNPRM*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981), as amended.

9. *Initial Paperwork Reduction Act Analysis.* This *FNPRM* may contain either proposed or modified information collections. As part of our continuing effort to reduce paperwork burdens, we invite the general public to take this opportunity to comment on the information collections contained in this *FNPRM*, as required by the Paperwork Reduction Act of 1996. Public and agency comments are due at the same time as other comments on the *FNPRM*. 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) ways to enhance the quality, utility, and clarity of the information collected; and (c) 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. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 Twelfth Street, S.W., Room C-1804, Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov) and to Edward Springer, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW, Washington, DC 20503 or via the Internet to [edward.springer@omb.eop.gov](mailto:edward.springer@omb.eop.gov).

#### Initial Regulatory Flexibility Analysis

10. As required by the Regulatory Flexibility Act, 5 U.S.C. 603 ("RFA"), the Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") of the expected impact on small entities of the proposals contained in the attached *FNPRM*. Written public comments are requested with respect to the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the rest of the *FNPRM*, but they must have a

separate and distinct heading, designating the comments as responses to the IRFA. The Commission shall send a copy of this *FNPRM*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the RFA, 5 U.S.C. 603(a).

a. *Reasons Why Agency Action is Being Considered.* Our goal in commencing this proceeding is to seek comment on the tentative conclusion to require commercial television broadcasters that maintain a website to post their quarterly Children's Television Programming Reports on that site at the same time that they place the reports in the station's public inspection file. We also seek comment on whether broadcasters should be required to maintain the reports on the website until final action has been taken on the station's next license renewal.

b. *Need For and Objectives of the Proposed Rule Changes.* Although the Children's Television Programming Reports are available in a central location on the FCC's website, the FCC believes that members of the public may look first to their local broadcast station, rather than the Commission, for information about the programming of the station. We invite comment on this view and ask commenters to provide detailed information on any costs or other burdens associated with requiring those stations that maintain websites to post their quarterly reports on the sites.

c. *Legal Basis.* Authority for the actions proposed in the *FNPRM* may be found in sections 4(i) and 303, 307, and 336(d) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, 307, and 336(d), and in the Children's Television Act of 1990.

d. *Recording, Recordkeeping, and Other Compliance Requirements.* The *FNPRM* invites comment on the tentative conclusion to require commercial television broadcasters that maintain a website to post their quarterly Children's Television Programming Reports on that site at the same time that they place the reports in the station's public inspection file. We also seek comment on whether broadcasters should be required to maintain the reports on the website until final action has been taken on the station's next license renewal.

e. *Federal Rules that Overlap, Duplicate, or Conflict with the Proposed Rules.* The rules under consideration in this proceeding do not overlap, duplicate, or conflict with any other rules.

f. *Description and Estimate of the Number of Small Entities to Which the Rules Would Apply.* Under the RFA,

small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. 601(6). The RFA, 5 U.S.C. 601(3), generally defines the term "small business" as having the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. 632. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration ("SBA"). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.

Small TV Broadcast Stations. The SBA defines small television broadcasting stations as television broadcasting stations with \$10.5 million or less in annual receipts. BIA Research Inc. reports that 784 out of 1221 commercial television stations (64%) have annual revenues of less than \$10.5 million.

The requirement to prepare quarterly Children's Television Programming Reports applies to commercial broadcast television stations. Thus, we estimate that 784 or fewer commercial TV broadcast stations are small businesses, as defined by the SBA.

g. *Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives:* The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

11. This *FNPRM* invites comment generally on the tentative conclusion to require commercial television broadcasters that maintain a website to post their quarterly Children's Television Programming Reports on that site at the same time that they place the reports in the station's public inspection

file. We also seek comment on whether broadcasters should be required to maintain the reports on the website until final action has been taken on the station's next renewal license. We seek comment on whether there is a significant economic impact on any class of small licensees as a result of any of these proposals. Any significant alternatives presented in the comments will be considered.

**Ordering Clauses**

12. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this *FNPRM*, including the Initial and Final Regulatory Flexibility Act Analyses, to the Chief Counsel for the Small Business Administration.

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

Television broadcasting.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

**Rules**

Part 73 of title 47 of the U.S. Code of Federal Regulations is proposed to be amended to read 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.

2. Section 73.3526 is amended by revising paragraph (e)(11)(iii) to read as follows:

**§ 73.3526 Local public inspection file of commercial stations.**

\* \* \* \* \*

(e) \* \* \*

(11) \* \* \*

(iii) *Children's television*

*programming reports.* For commercial TV broadcast stations, on a quarterly basis, a completed Children's Television Programming Report ("Report"), on FCC Form 398, reflecting efforts made by the licensee during the preceding quarter, and efforts planned for the next quarter, to serve the educational and informational needs of children. The Report for each quarter is to be placed in the public inspection file by the tenth day of the succeeding calendar quarter. By this date, a copy of the Report for each quarter is also to be filed electronically with the FCC. The Report shall identify the licensee's educational and informational programming efforts, including programs aired by the station that are specifically designed to serve the educational and informational needs

of children, and it shall explain how programs identified as Core Programming meet the definition set forth in § 73.671(c). The Report shall include the name of the individual at the station responsible for collecting comments on the station's compliance with the Children's Television Act, and it shall be separated from other materials in the public inspection file. The Report shall also identify the program guide publishers to which information regarding the licensee's educational and informational programming was provided as required in § 73.673(b), as well as the station's license renewal date. These Reports shall be retained in the public inspection file until final action has been taken on the station's next license renewal application. Licensees shall publicize in an appropriate manner the existence and location of these Reports.

\* \* \* \* \*

[FR Doc. 00-28611 Filed 11-8-00; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AG15**

**Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Arroyo Southwestern Toad**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces the availability of a draft economic analysis for the proposed designation of critical habitat for the arroyo southwestern toad (*Bufo microscaphus californicus*). We are also providing notice of the reopening of the comment period for the proposal to designate critical habitat for the arroyo southwestern toad to allow all interested parties to submit written comments on the proposal and on the draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as a part of this reopened comment period and will be fully considered in the final rule.

**DATES:** The original comment period on the critical habitat proposal closed on

August 7, 2000. The comment period is again reopened and we will accept comments until December 11, 2000. Comments must be received by 5:00 p.m. on the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

**ADDRESSES:** Copies of the draft economic analysis are available on the Internet at "www.r1.fws.gov" or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2394 Portola Road, Suite B, Ventura, California 93003. All written comments should be sent to the Field Supervisor at the above address. You may also send comments by electronic mail (e-mail) to "fw1artoch@r1.fws.gov." Please submit electronic comments in ASCII file format and avoid the use of special characters and encryption. Please include "Attn: RIN 1018-AG15" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Ventura Fish and Wildlife Office at phone number 805-644-1766. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

**FOR FURTHER INFORMATION CONTACT:** Field Supervisor, Ventura Fish and Wildlife Office, at the above address (telephone 805-644-1766; facsimile 805-644-3958).

**SUPPLEMENTARY INFORMATION:**

**Background**

The arroyo southwestern toad (*Bufo microscaphus californicus*) is one of three members of the southwestern toad (*B. microscaphus*) complex, in the family of true toads, Bufonidae. The arroyo toad is a small (adult length 55-82 millimeters (2-3 inches), dark-spotted toad, with females larger than males. The arroyo toad is found in coastal and desert drainages from Monterey County, California, south into northwestern Baja California, Mexico. These systems are inherently quite dynamic, with marked seasonal and annual fluctuations in climatic regimes, particularly rainfall. Natural climatic variations as well as other random events, such as fires and floods, coupled with the species' specialized habitat requirements, lead to annual fluctuations in arroyo toad populations. Extensive habitat loss as a result of agriculture and urbanization, and the construction, operation, and maintenance of water storage reservoirs,