

more effective at reducing peak ozone concentrations within the Lake Michigan ozone nonattainment areas.

The consistency between the modeling results and the ambient data analysis results for all episodes with joint data supports the view that the UAM modeling system developed in the LMOS may be used to investigate the relative merits of VOC versus NO<sub>x</sub> emission controls. The UAM-V results for all modeled episodes point to the benefits of VOC controls versus NO<sub>x</sub> controls in reducing the modeled domain peak ozone concentrations.

For a more detailed analysis of the modeling analysis results, please see the August 22, 1994 "Technical Review of a Four State Request for a Section 182(f) Exemption from Oxides of Nitrogen (NO<sub>x</sub>) Reasonably Available Control Technology (RACT) and New Source Review (NSR) Requirements" memorandum contained in the docket for this action.

The EPA believes LADCo's UAM application has adequately met the requirement to demonstrate that NO<sub>x</sub> controls within the Muskegon County ozone nonattainment area and throughout the LMOS domain will not contribute, but instead will interfere with attainment of the ozone standard.

#### IV. EPA Action

The EPA is proposing approval of the transportation conformity NO<sub>x</sub> waiver SIP revision for the State of Michigan. In light of the modeling completed thus far and considering the importance of the Ozone Transport Assessment Group (OTAG) process and attainment plan modeling efforts, EPA proposes to approve this NO<sub>x</sub> waiver on a contingent basis. When the results of OTAG technical work are available, EPA intends to require appropriate States to submit SIP measures to ensure emissions reductions of ozone precursors needed to prevent significant transport of ozone. The EPA will evaluate the OTAG technical work, along with EPA's emissions reduction requirements, to determine whether the NO<sub>x</sub> waiver should be continued, altered, or removed.

The EPA also reserves the right to require NO<sub>x</sub> emission controls for transportation sources under section 110(a)(2)(D) of the Act if future ozone modeling demonstrates that such controls are needed to achieve the ozone standard in downwind areas.

#### V. Miscellaneous

##### A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or

establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

##### B. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

##### C. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This approval does not impose any requirements on small entities. Therefore, I certify that this action does not have a significant economic impact on any small entities.

##### D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal

governments in the aggregate, or to the private sector.

This Federal document does not impose any Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Oxides of Nitrogen, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: May 30, 1997.

**Valdas V. Adamkus,**  
Regional Administrator.

[FR Doc. 97-15411 Filed 6-11-97; 8:45 am]

BILLING CODE 6560-50-U

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-138, RM-8855, 8856, 8857, 8858, 8872]

#### Main Studio and Public Inspection File of Broadcast Stations

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this Notice of Proposed Rule Making ("Notice" or "NPRM"), the Commission seeks comment on the proposed amendment of its rules governing main studio and local public inspection file requirements for broadcast licensees. The Commission seeks comment on its proposals to relax the standard governing the location of the main studio and to allow the local public inspection file to be located at the broadcast station's main studio, wherever located. Comment is also sought regarding proposals to streamline the contents of the public inspection file. For additional information, see Supplementary Information.

**DATES:** Comments must be filed on or before August 8, 1997, and reply comments on or before September 8, 1997. Written comments by the public on the proposed and/or modified information collections are due August 8, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. 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, Room 234, 1919 M Street, NW, Washington, DC 20554, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Mass Media Bureau, 202) 418-2130. For additional information concerning the information collections contained in this NPRM contact Judy Boley at 202-418-0214, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-138, adopted May 22, 1997, and released May 28, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

### **Synopsis of Notice of Proposed Rule Making on Main Studio and Public File**

1. As part of our continuing effort to ensure that our rules serve the public interest without imposing unnecessary regulatory burdens, we here consider relaxation of our broadcast main studio and local public inspection file rules. The main studio rule generally requires each AM radio, FM radio, and television broadcast station to maintain its main studio within its principal community signal contour. The local public inspection file rules require broadcast stations to maintain a number of records in a file that is accessible to the public. Our current rules require that this file be located at the station's main studio where the studio is situated in the station's community of license, or, if the main studio is outside the community of license, at any accessible place (such as a public registry for documents or an attorney's office) in the station's community of license. Both rules seek to ensure that members of the local community have reasonable access to station management and information about the station. This enables the residents of the community to monitor a station's public interest performance, and encourages a continuing dialogue between the station and its community.

2. We have received a number of petitions for rule making regarding these rules. None of these petitions questions the underlying purposes served by the rules. Rather, they seek to relax various aspects of the rules in a manner they believe will lessen regulatory burdens on licensees without any detriment to

the public interest. We placed these petitions on public notice, and received several comments and reply comments that generally supported the petitioners' proposals. We believe a number of these proposals may be in the public interest in that they would provide broadcast licensees additional flexibility in complying with the main studio and public inspection file rules, while at the same time ensuring that the rules continue to facilitate interaction between licensees and their local communities. This document seeks comment on the various issues raised by these proposals. We also take this opportunity to seek comment on various ways to update and clarify our local public inspection file rules.

3. *Main Studio Location.* Prior to our most recent amendment of the rule, broadcasters were required to maintain their main studios in their community of license. In 1987, we relaxed the rule to permit a station to locate its main studio outside its community of license provided it is within its principal community contour. In doing so, we noted that the role of the main studio in the production of programming had diminished over the years, that community residents often communicate with stations by telephone or mail rather than visiting the studio, and that the growth of modern highways and mass transit systems had reduced travel times. We further observed that the revised rule would allow broadcasters to obtain certain efficiencies, such as colocating a station's studio at its transmitter site or moving the studio to lower cost areas. These factors persuaded us that relaxing the rule would provide broadcasters greater flexibility while at the same time ensuring that their main studios continued to be reasonably accessible to the communities they serve.

4. Apex Associates and others filed a petition for rule making that proposes a further relaxation of the rule. It requests the Commission to amend the rule to provide that "every AM, FM and TV station shall maintain a main studio which is so situated as to be reasonably accessible to residents of the station's community of license." The petition also proposes that the definition of "reasonably accessible" be left within the discretion of each licensee, or in the alternative, that this term be defined as "within 30 minutes normal driving time" from the community of license. All commenters support the proposed amendment to the rules.

5. *Discussion.* The Apex petition presents several legitimate reasons for considering relaxation of the main studio rule. As an initial matter, the

parties have pointed out that the current rule may be imposing undue burdens on licensees. There is a longstanding Congressional and Commission policy in favor of reducing regulatory burdens consistent with the public interest wherever appropriate. We also believe a review of the rule is particularly warranted in light of the recent changes in the local radio ownership rules. In 1987, the last time the main studio rule was revised, the maximum number of radio stations that a single licensee could own in a market was two: one AM and one FM. Subsequently, the Commission amended the local radio ownership rules to permit ownership of up to three commercial radio stations, no more than two in the same service, in radio markets with 14 or fewer radio stations, provided that the owned stations, if other than a single AM and FM combination, represented less than 50 percent of the stations in the market; in markets with 15 or more commercial radio stations, the rules permitted ownership of up to two AM and two FM commercial radio stations if the combined audience share of the commonly owned stations did not exceed 25 percent in the market. In February 1996, President Clinton signed into law the Telecommunications Act of 1996 ("1996 Act"), Public Law 104-104, 110 Stat. 56 (1996), which further relaxed the local radio ownership limits. In the largest markets, for example, a single entity can now own up to eight commercial radio stations. A licensee owning two or more stations in the same area may find it most efficient to operate these stations from a centrally located studio/business office, yet the main studio rule would require it to maintain a separate main studio for one or more of its commonly-owned stations if they do not place a principal community contour signal over the central studio/office. As the Apex petition points out, this can impose substantial burdens on the licensee, depriving it of savings that could be put to more productive use for the benefit of the community served by the station. These burdens are also arguably inconsistent with the economies of scale that can be achieved through common ownership of stations that Congress implicitly found to be in the public interest in relaxing the local radio ownership rules in the 1996 Act.

6. We also believe that review of the main studio rule is warranted because it may place disproportionate burdens on owners of smaller stations. The principal community contour of a broadcast station—the determinant of the main studio's location—varies greatly depending on a station's channel

or class. High power stations, which have principal community contours as great as 70 or 80 miles in diameter, consequently have greater flexibility in locating their main studios under the rule than low power stations, which can have principal community contours as small as 20 miles in diameter. While the current rule serves to ensure that the main studio is located in the primary reception area of the station, the petitioners and commenting parties have raised concerns about the differential treatment between small and larger stations that call for a review of the rule's use of a principal community contour standard.

7. We further note that, as some of the petitioners and commenters maintain, it is possible for a main studio to be outside the station's principal community contour and yet still be reasonably accessible to the community of license. For example, a location outside the principal community contour may be convenient to community residents because of its proximity to particular commuting patterns, access to public transportation or major highways, or the availability of ample public parking. The current rule may be too limited to take into account these possibilities. Conversely, many locations within a principal community contour may be difficult or relatively inconvenient to get to.

8. Given the above factors, we generally propose to relax the main studio rule and replace the community contour standard with a new standard that gives licensees additional flexibility yet continues to ensure that the main studio is reasonably accessible to a station's community of license. We seek comment on this general proposal and its potential impact on the public interest. We particularly invite comment on the manner in which we should determine whether a station's main studio is reasonably accessible to the residents of its community of license.

9. The Apex petition argues that the revised rule should simply require the main studio be "reasonably accessible to residents of the station's community of license," leaving it to the discretion of each licensee to define what reasonable is in the first instance. As an alternative, the Apex Petition argues that "reasonably accessible" should be defined as "within 30 minutes normal driving time" from the community of license. While we seek comment on these options, we are not inclined to adopt them given their lack of clarity. While relaxing the rule, they would appear to create a significant amount of uncertainty for the public and licensees regarding the appropriate location of a

station's main studio. Such a vague rule could make it difficult for licensees to determine whether a chosen site complies with the rule, and could generate numerous disputes which would have to be resolved by the Commission on an individual basis, which would be administratively inefficient.

10. Another option would involve retaining the principal community contour standard and adopting a waiver policy that would allow a station to locate its main studio outside the contour in specified circumstances. Such a policy would permit the Commission to examine on a case-by-case basis commuting patterns, population densities, local transportation and highway systems, and other factors unique to each community. We are disinclined, however, to pursue this approach. It too would create considerable uncertainty and would impose substantial administrative burdens on both licensees and the Commission. We also note that our rules currently permit a licensee to seek a waiver of the Commission's main studio location requirement.

11. We consequently favor a generally applicable rule that measures "reasonable accessibility" in a manner that can be clearly and easily understood and applied. One way this could be accomplished is to require that the main studio be located within the principal community contour of any station licensed to the community of license in question. This would provide a clear, easy-to-apply rule, eliminate the differential treatment in the current rule between low and high power stations, and give many stations a larger area within which to choose a studio location. For example, in a community with a licensed Class A FM station and a licensed Class C FM station, either station could locate its main studio anywhere within the latter station's principal community contour, which generally has a radius of over 42 miles. We question, however, whether this would provide for a studio location far from the listeners of smaller stations. Accordingly, we seek comment on whether this approach provides sufficient flexibility to licensees while continuing to ensure that their main studios are reasonably accessible to the communities they serve.

12. We also seek comment on using a straight mileage standard rather than relying on a measurement based on signal contours. In particular, the rule could be revised to require a station to locate its main studio within a radius of a set number of miles from a common

reference point in the station's community of license, such as the community's city-center coordinates. Is this approach preferable to the use of signal contour standards? If the Commission adopts this approach, what mileage standard would be an appropriate measure of reasonable accessibility? Another option would combine the above two approaches: A station could choose to locate its main studio anywhere in the principal community contour of any station licensed to the same community, or within a set distance from the community center, whichever provides greater flexibility. Still another alternative would permit an entity that owns multiple stations in a market to co-locate the main studio for these stations at any one of the commonly owned stations, provided each of the stations is located in the same local market and that the main studio was within some set distance from the community center.

13. We invite comment on these various approaches and any other proposals that commenters believe will serve the public interest by minimizing unnecessary regulatory burdens and ensuring that residents of a local community have reasonable access to the broadcast stations licensed to serve them. We emphasize that in proposing modifications to our main studio rule we in no way seek to alter the obligation of each broadcast licensee to serve the needs and interests of its community. As the Commission has long recognized, this is a bedrock obligation of every broadcast licensee. Rather, we propose to relax the main studio rule in a manner consistent with this obligation.

14. *Local Public Inspection File Location.* The Commission requires a broadcast station to maintain its local public inspection file at its main studio in its community of license or at any accessible place in the community of license (e.g., an attorney's office or local public library) if the station's main studio is located outside the community. As with the main studio rule, reasonable access to the public inspection file facilitates monitoring of a station's operations and public interest performance by the public and encourages a community dialogue with local stations. This in turn helps ensure that stations are responsive to the needs and interests of their local communities.

15. Several parties have filed their petitions for rule making requesting that the Commission amend the public inspection file rule to provide that the public file be maintained at the main studio, wherever located. These parties state that the main studio is the most

logical and likely location that members of the public would seek to find a station's public file. They also state that experience under the current rule has shown that files maintained outside the main studio are subject to mishandling, loss of documents, and destruction because the files are not under the daily supervision of the licensee. In addition, they claim that because so few members of the public actually seek access to the off-premises public file, the expense involved in maintaining that file often is not offset by any benefit to the public.

16. Another party, Salem Communications Corp., proposes a different approach regarding the location of the public inspection file. It proposes that the Commission require any licensee who elects to locate its public file at its main studio outside its community of license to also accommodate the public in one of the three following ways: (1) Provide free transportation to the main studio; (2) deliver the public file to a location specified by the requestor; or (3) provide specified documents by mail.

17. *Discussion.* We propose to amend our rules to permit both commercial and noncommercial stations to locate their local public inspection files at their main studios, wherever located. Coupled with our proposal above regarding the location of the main studio, this would place the public file at the same "reasonably accessible" location as the main studio, which would not necessarily be in the community of license. We also seek comment on reasonably accessible locations for the public file of an applicant for a new station or change of community. We propose that such a party maintain its file in the proposed community of license or at its proposed main studio.

18. We recognize that in amending the main studio rule in 1987 the Commission determined that the public inspection file should be maintained in a station's community of license in order to assure meaningful public participation in our licensing process. The petitioners, however, have pointed to a number of public interest reasons in favor of permitting licensees to locate their public inspection files at their main studios, even when these are outside the station's community of license. Allowing this flexibility will reduce regulatory burdens on licensees while at the same time ensuring, as with our proposed amendment to the main studio rule, that the public file is reasonably accessible to residents of the local community, and could well increase the convenience to the public in some cases. Reasonable accessibility

of the main studio and the public file has been our benchmark for facilitating public involvement at the station. We also believe that it would serve the public interest to provide stations greater flexibility in locating the public inspection file and main studio given the increased number of same-market, multiple-station owners under the new radio ownership rules. As described in our discussion of the main studio rule, this is consistent with the relaxation of these rules because it allows stations to avail themselves of economies of scale and allows them to channel their resources in ways that would better serve the public. In addition, it would appear that the main studio is the most logical and likely place for the public to expect to find a station's public inspection file, given that it will typically be listed in the local telephone directory. Furthermore, we believe the public would be better served if the file is maintained and stored under the direct control of the station. Not only would there be greater assurance that the file is kept up-to-date and in proper order, but also the public would be able to request assistance in researching the public file if necessary.

19. We invite comment on our proposal to permit licensees to locate their local public inspection file at their main studio, even when the main studio is outside the station's community of license. We particularly seek comment on whether this will ensure that the public file continues to be reasonably accessible to a station's local community. We also ask broadcasters to describe specifically the efficiencies that can be achieved in providing greater flexibility under the rule, and how these efficiencies can benefit the public. Parties are invited to comment on the proposals advanced by Salem Communications Corp. to ensure public access, as described above, and any other such alternatives regarding the accessibility and location of the public inspection file that they believe would serve the public interest.

20. *Public Inspection File Contents.* We also take this opportunity to seek comment on updating our requirements regarding the materials that a station must place in its public inspection file. As stated above, the public file contains information that facilitates meaningful public participation in monitoring licensee compliance with public interest obligations. The requirements regarding the contents of the public file for noncommercial educational stations are similar to those that apply to commercial stations, although there is some variation. Currently, the public inspection file for both commercial and

noncommercial stations must contain general information pertaining to the station, such as certain applications and related materials the station may have filed with the FCC, ownership reports, employment reports, and a list of programs aired by the station during the previous three months that provided its most significant treatment of community issues (the "issues/programs list"). Broadcast licensees must also maintain a separate file concerning broadcasts by political candidates. In addition, all commercial broadcast television licensees must maintain a public file containing information regarding the educational and informational children's programming they air pursuant to the Children's Television Act of 1990. The Commission recently revised these children's television public file requirements in its children's television proceeding.

21. We propose to amend our rules to eliminate or revise certain aspects of the local public inspection file rules that are out-of-date or that require clarification. In particular, we plan to revise the rules as follows:

(a) We propose to delete the requirement that licensees maintain in their public file the 1974 manual entitled "The Public and Broadcasting." This manual is long out-of-date.

(b) We will delete the reference in § 73.3526(a)(11) of our rules regarding the maintenance of reports that were required under our financial interest and syndication rules, which have been repealed.

(c) We will correct the cross-reference in the local public inspection file rules to the rule section governing a licensee's political file.

(d) We plan to delete the note set forth under §§ 73.3526(a)(1) and 73.3527(a)(1) of our rules. This note provides that certain applications filed on or before May 13, 1965—the date of a previous FCC *Report and Order* regarding the local public inspection file rules—need not be placed in the station's public file. This exemption is no longer needed given that, even without the exemption, the retention periods for maintaining such applications have long since expired.

We seek comment on these proposals and any other similar revisions that would serve to update or clarify the public inspection file rules. For instance, are there certain applications covered by the existing rule that no longer need to be maintained in the public file?

22. We also consider here a proposal to revise our requirements regarding the responsibility for maintaining public

file materials when a station's license is assigned to a new owner. The rules provide that after the Commission approves an application for assignment of license and the transaction has been consummated, the assignee is responsible for ensuring that the public file contain all the documents previously required to be maintained in the file by the assignor. A petition for rule making filed by David Tillotson requests that the Commission amend the public file rule to delete this requirement. Tillotson maintains the proposed change is warranted because the public file need only contain information concerning the *current* licensee or permittee. According to Tillotson, the public has no practical use for information regarding the ownership, programming and EEO practices of a station's prior licensees, and therefore a new licensee should not be required to bear the burden of reconstructing the prior licensee's public file. As to this type of licensee-specific information, we believe there is merit to these arguments, and invite comment on amending our rules to relieve license assignees of this burden. We note, however, that there may be information in the public file relevant to a station's facilities (e.g., engineering material in a modification application filed by the assignor) that is not licensee-specific and therefore should be maintained by the assignee. We seek comment on this issue.

23. Finally, we propose to clarify the general requirement in § 73.1202(a) of our rules that all written comments and suggestions received from the public by licensees of commercial AM, FM, and TV broadcast stations regarding operation of their station shall be maintained in the local public inspection file. We wish to clarify that such written comments and suggestions include electronic mail messages transmitted via the internet to stations that are capable of receiving them. Internet "email" is now commonly used by many members of the public and is increasing in popularity. Stations may print out a hard copy of such an internet message and place it in their public file. Parties are invited to comment on this proposed clarification.

24. *Retention Periods.* We also take this opportunity to review the retention periods for the materials in a licensee's local public inspection file as well as its political file. These retention periods, set forth in §§ 73.3526(e) and 73.3527(e) of the rules, vary depending on the type of record involved, as the following illustrative list indicates:

(a) Political file materials, which are kept in a separate file, must be retained for two years.

(b) With respect to commercial broadcast stations, letters received from members of the public must be retained for three years.

(c) A licensee's issues/programs list must be retained for the term of the station's license, which the current rule states as five years for television licensees and seven years for radio licensees. This provision predates our recent decision extending both television and radio broadcast license terms to eight years.

(d) A television licensee's documentation of its performance under the Children's Television Act of 1990 must be retained for the term of a station's license, which the current rule states as five years. Again, this provision predates the recent extension of license terms to eight years.

(e) The various applications a station must place in its public file generally must be retained by a permittee or a licensee for a period beginning with the date that they are tendered for filing and ending with the expiration of one license term (five years for television licensees or seven years for radio licensees) or until the grant of the first renewal application of the television or radio broadcast license in question, whichever is later.

25. We wish to ensure that our public file retention period requirements provide clear guidance to licensees and the public, facilitate meaningful public participation in monitoring licensee compliance with our rules and policies, and minimize unnecessary paperwork burdens on broadcasters. At a minimum, we propose to revise any public file retention periods that are tied to the broadcast license term (e.g., the issues/programs list) to reflect the new license term of eight years. This is consistent with the rule's purpose in providing the public access to information that is relevant to a station's performance throughout its license term, facilitating monitoring of licensee performance by interested parties as well as their participation in the license renewal process. In addition, we propose to amend the rules to reflect that all documents that are required to be retained for the license term be retained not only for the eight-year license term, but also until the grant of the renewal application is no longer subject to appeal either at the FCC or in the courts. This will ensure that the public has access to pertinent information regarding the licensee's performance during the pendency of its

renewal application. We invite comment on this issue.

26. We also seek comment on whether any of our public file retention periods can be shortened to reduce regulatory burdens consistent with the public interest. In particular, our current rules generally require a licensee to retain certain applications filed with the FCC until the expiration of one license term or until grant of the first renewal application of the television or radio broadcast license in question. The applications subject to this retention period include, for example, license assignment and transfer applications and applications for major facility modifications. We question the need to require licensees to retain these materials for this period of time, and propose that they retain such applications only during the period in which they are pending before the FCC or the courts. This would appear to be the period of time that they would have particular relevance to the public. We also note that other public file materials may provide an alternative source for the information contained in these applications; the ownership reports, for example, provide information about a licensee's ownership structure that can be found in an assignment or transfer application. We seek comment on this proposal. Are there some applications or parts of applications that should be kept for a longer period? For example, some applications contain an exhibit in support of a rule waiver and the Commission has granted the waiver based, in part, on the applicant's public interest representation. How long should the new owner be required to retain such an application or the waiver exhibit in its public file?

27. We seek comment on other ways to clarify and streamline our retention period requirements. What are the appropriate retention periods for a licensee's annual employment reports and annual ownership reports? Should we modify the requirement that commercial stations retain letters from the public for three years? We particularly seek comment on the appropriate retention period for letters from the public regarding violent programming given the new statutory requirement that licensees summarize such letters in their renewal applications.

28. *An Electronic Public File Option.* We recognize that many stations are equipped with computers and make information available to the public on their own World Wide Web home pages on the internet. We encourage stations to do so, as it facilitates a dialogue between licensees and their

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]

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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