

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-342, adopted November 24, 1999, and released December 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99-32802 Filed 12-17-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA No. 99-2686, MM Docket No. 99-344, RM-9709]

Radio Broadcasting Services; Lampasas and Leander, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed Shamrock Communications, Inc. proposing the reallocation of Channel 255C1 from Lampasas, Texas, to Leander, Texas, as that community's first local service and modification of its license for Station KJFK to specify Leander as its community of license. The channel can be allotted to Leander

in compliance with the Commission's Rules at the licensed site for Station KJFK. The coordinates for Channel 255C1 at Leander are 30-43-34 NL and 97-59-23 WL.

DATES: Comments must be filed on or before January 24, 2000, and reply comments on or before February 8, 2000.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Amelia L. Brown, Wilkinson Barker Knauer, LLP, 2300 N Street, N.W., Suite 700, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

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List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration**

[Docket No. RSPA-99-5143, N-99-4]

49 CFR Parts 106, 107, and 171**Regulatory Flexibility Act Section 610 and Plain Language Reviews**

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of regulatory review; request for comments.

SUMMARY: RSPA requests comments on the economic impact of its regulations on small entities. As required by the Regulatory Flexibility Act and as published in DOT's Semi-Annual Regulatory Agenda, we are analyzing the rules on Rulemaking and Program Procedures and General Information, Regulations, and Definitions to identify rules that may have a significant economic impact on a substantial number of small entities. We also request comments on ways to make these regulations easier to read and understand.

DATES: Comments must be received by March 22, 2000.

ADDRESSES: Address written comments to the Dockets Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. Identify the docket number RSPA-99-5143 at the beginning of your comments and submit two copies. If you want to receive confirmation of receipt of your comments, include a self-addressed, stamped postcard. You can also submit comments by e-mail by accessing the Dockets Management System on the Internet at "http://dms.dot.gov" or by fax to (202) 366-3753.

The Dockets Management System is located on the Plaza Level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. In addition, you can review comments by accessing the Dockets Management System at "http://dms.dot.gov."

FOR FURTHER INFORMATION CONTACT:

Susan Gorsky, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, telephone (202) 366-8553; or Donna O'Berry, Office of Chief Counsel, Research and Special Programs Administration, U.S. Department of

Transportation, telephone (202) 366-4400.

SUPPLEMENTARY INFORMATION:

I. Section 610 of the Regulatory Flexibility Act

A. Background and Purpose

Section 610 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), requires agencies to conduct periodic reviews of rules that have a significant economic impact on a substantial number of small business entities. The purpose of the reviews is to determine whether such rules should be continued without change, amended, or rescinded, consistent with the objectives of applicable statutes, to minimize any significant economic impact of the rules on a substantial number of such small entities.

B. Review Schedule

The Department of Transportation (DOT) published its Semiannual Regulatory Agenda on November 22, 1999, listing in Appendix D (64 FR

64684) those regulations that each operating administration will review under section 610 during the next 12 months. Appendix D also contains DOT's 10-year review plan for all of its existing regulations.

The Research and Special Programs Administration (RSPA, "we") has divided its Hazardous Materials Regulations (HMR; 49 CFR Parts 171 to 180) into 10 groups by subject area. Each group will be reviewed once every 10 years, undergoing a two-stage process—an Analysis Year and a Section 610 Review Year. For purposes of these reviews, a year will coincide with the fall-to-fall publication schedule of the Semiannual Regulatory Agenda. Thus, Year 1 (1998) began in the fall of 1998 and ends in the fall of 1999; Year 2 (1999) begins in the fall of 1999 and ends in the fall of 2000; and so on.

During the Analysis Year, we will analyze each of the rules in a given year's group to determine whether any rule has a significant impact on a substantial number of small entities and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. In each fall's Regulatory Agenda, we will publish the results of

the analyses we completed during the previous year. For rules that have a negative finding, we will provide a short explanation. For parts, subparts, or other discrete sections of rules that do have a significant impact on a substantial number of small entities, we will announce that we will be conducting a formal section 610 review during the following 12 months.

The section 610 review will determine whether a specific rule should be revised or revoked to lessen its impact on small entities. We will consider: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other federal rules or with state or local government rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. At the end of the review year, we will publish the results of our review.

The following table shows the 10-year analysis and review schedule:

RSPA SECTION 610 REVIEW PLAN

Year	Title	Regulation	Analysis	Review
1	Incident reports	§§ 171.15 and 171.16	1998	N/A
2	Hazmat Program Procedures General Information, Regulations, and Definitions.	Parts 106 and 107, Part 171	1999	2000
3	Carriage by Rail and Highway	Parts 174 and 177	2000	2001
4	Carriage by Vessel	Part 176	2001	2002
5	Radioactive Materials	Parts 172, 173, 174, 175, 176, 177, 178	2002	2003
6	Explosives Cylinders	Parts 172, 173, 174, 176, 177, 178	2003	2004
7	Shippers—General Requirements for Shipments and Packagings.	Parts 172, 173, 178, 180	2004	2005
8	Specifications for Non-bulk Packagings	Part 173	2005	2006
9	Specifications for Bulk Packagings	Part 178	2006	2007
10	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements.	Parts 178, 179, 180
	Carriage by Aircraft	Part 172		
		Part 175	2007	2008

C. Regulations Under Analysis

During Year 2 (1999), the Analysis Year, we will conduct a preliminary assessment of the rules in 49 CFR Parts 106 and 107, Rulemaking and Program Procedures, and Part 171, General Information, Regulations, and Definitions.

Part 106, Rulemaking Procedures, includes the following sections:

Section	Title
106.1	Scope.
106.3	Delegations.

Section	Title	Section	Title
106.5	Regulatory dockets.	106.21	Contents of written comments.
106.7	Records.	106.23	Consideration of comments received.
106.9	Where to file petitions.	106.25	Additional rulemaking proceedings
106.11	General.	106.27	Hearings.
106.13	Initiation of rule-making.	106.29	Adoption of final rules.
106.15	Contents of notices of proposed rule-making.	106.31	Petitions for rule-making.
106.17	Participation by interested persons.	106.33	Processing of petition.
106.19	Petitions for extension of time to comment.	106.35	Petitions for reconsideration.

Section	Title
106.37	Proceedings on petitions for reconsideration.
106.38	Appeals.
106.39	Direct final rulemakings.

Part 107, Hazardous Materials Program Procedures, includes the following subparts:

Subpart	Title
Subpart A	General Provisions.
Subpart B	Exemptions.
Subpart C	Preemption—Preemption Determinations and Waiver of Preemption Determinations.
Subpart D	Enforcement—Compliance Orders and Civil Penalties, Criminal Penalties, Injunctive Action.
Subpart E	Designation of Approval and Certification Agencies.
Subpart F	Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers and Repairers and Cargo Tank Motor Vehicle Assemblers.
Subpart G	Registration of Persons Who Offer or Transport Hazardous Materials.
Subpart H	Approvals, Registrations, and Submissions.

Part 171, General Information, Regulations, and Definitions, includes the following sections:

Section	Title
171.1	Purpose and scope.
171.2	General requirements.
171.3	Hazardous waste.
171.4	Marine pollutants.
171.6	Control numbers under Paperwork Reduction Act.
171.7	Reference material.
171.8	Definitions and abbreviations.
171.9	Rules of construction.
171.10	Units of measure.
171.11	Use of ICAO Technical Instructions.
171.12	Import and export shipments.
171.12a	Canadian shipments and packagings.

Section	Title
171.14	Transitional provisions for implementing requirements based on the UN recommendations.
171.19	Approvals or authorizations issued by the Bureau of Explosives.
171.20	Submission of Examination Reports.
171.21	Assistance in investigations and special studies.

We are seeking comments on whether any requirements in Part 106, 107, or 171 have a significant impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. If your business or organization is a small entity and if any of the requirements in Parts 106, 107, or 171 have a significant economic impact on your business or organization, please submit a comment to explain how and to what degree these rules affect you, the extent of the economic impact on your business or organization, and why you believe the economic impact is significant.

II. Plain Language

A. Background and Purpose

The National Partnership for Reinventing Government (NPR) has recommended that the federal government develop a more customer-oriented approach, particularly concerning government regulations and publications. The NPR recommendations suggest that agencies simplify and, as appropriate, rewrite rules and regulations in performance-based, plain-language formats.

Plain language helps readers find requirements quickly and understand them easily. Examples of plain language techniques include:

- (1) Undesignated center headings to cluster related sections within subparts.
- (2) Short words, sentences, paragraphs, and sections to speed up reading and enhance understanding.
- (3) Sections as questions and answers to provide focus.
- (4) Personal pronouns to reduce passive voice and draw readers into the writing.

(5) Tables to display complex information in a simple, easy-to-read format.

President Clinton issued an Executive Memorandum on June 1, 1998, calling for agencies to write documents using "easy-to-read design features." To ensure the use of plain language, the President directed agencies to use plain language in all new documents, other than regulations, by October 1, 1998, and to use plain language in all proposed and final rulemakings published in the **Federal Register** after January 1, 1999. The President also directed agencies to consider rewriting existing regulations in plain language when they have the opportunity and resources to do so. For an example of a rule drafted in plain language, you can refer to RSPA's notice of proposed rulemaking entitled "Revised and Clarified Hazardous Materials Safety Rulemaking and Program Procedures," which was published December 11, 1998 (63 FR 68624). This NPRM proposed to rewrite part 106 and Subpart A of part 107 in plain language and to create a new part 105 that would contain definitions and general procedures. We are currently in the process of evaluating comments received in response to the NPRM.

B. Review Schedule

In conjunction with our section 610 reviews, we will be performing plain language reviews of the HMR over a ten-year period on a schedule consistent with the section 610 review schedule. Thus, our review of parts 107 and 171 under section 610 will also include a plain language review to determine if the regulations can be reorganized and/or rewritten to make them easier to read, understand, and use. We encourage interested persons to submit draft regulatory language that clearly and simply communicates regulatory requirements, and other recommendations, such as for putting information in tables, that may make the regulations easier to use.

Issued in Washington, DC on December 13, 1999, under authority delegated in 49 CFR part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.

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