

Federal Rules that Overlap, Duplicate, or Conflict with the Proposed Rules

59. The initiatives and proposed rules raised in this proceeding do not overlap, duplicate or conflict with any other rules.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 98-33007 Filed 12-11-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapters 73 and 74

[MM Docket No. 95-31; DA: 98-2489]

Broadcast Services; Radio Stations, Television Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: Pursuant to the joint request of National Public Radio, the Association of America's Public Television Stations, and the Corporation for Public Broadcasting, the Chief, Mass Media Bureau, acting under delegated authority, extends the comment and reply comment deadlines in the subject proceeding for forty-five days.

DATES: Comments are now due by January 28, 1999, and reply comments are due by March 15, 1999.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Irene Bleiweiss, Mass Media Bureau, Audio Services Division (202) 418-2780.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Order* in MM Docket No. 95-31, DA 98-2489, adopted and released December 3, 1998. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036. The *Order* is also available on the Internet at the Commission's web site: <http://www.fcc.gov>.

1. On October 21, 1998, the Commission released a Further *Notice*

of *Proposed Rule Making* ("Notice") in this proceeding, which was published in the **Federal Register** at 63 FR 58358 (October 30, 1998). The *Notice* solicited comment on proposed changes to the process used to select among competing applicants for noncommercial educational broadcast stations, on reserved and non-reserved channels. The deadlines for filing comments and reply comments were set at December 14, 1998 and January 4, 1999, respectively.

2. On November 30, 1998, National Public Radio (NPR), the Association of America's Public Television Stations (APTS) and the Corporation for Public Broadcasting (CPB) filed a "Joint Motion for Extension of Time of Comment and Reply Comment Deadlines" seeking forty-five-day extensions of the comment and reply comment deadlines. They stated that they are in the process of evaluating the likely impact of the Commission's proposals on public broadcasters and of consulting with hundreds of potentially affected public television and public radio stations, but that they require additional time to complete a thorough analysis and to fully address complex issues. They state that 45 additional days are needed because of the upcoming holiday season when many public broadcasters, particularly university-owned stations, operate with minimal staffing.

3. We will grant the requested extension. Although the Commission has a policy of not routinely granting extensions of time for filing comments in rulemaking proceedings, this proceeding raises a number of complex issues concerning an entirely new process that will affect large numbers of applicants. A well-documented record will best enable an informed decision as to which options for selecting public broadcasters are most in the public interest. Additionally: (1) NPR, APTS, and CPB, through their substantial interaction with noncommercial educational broadcasters, are in a position to compile the views of many of the parties that will most directly be affected by any actions we take in this proceeding; (2) they have shown good cause why a forty-five-day extension will enable them to provide more well-informed comments; and (3) no party will be prejudiced by this extension. Rather, all may make good use of this added time to prepare and present well-supported comments on these important issues.

4. This action is taken pursuant to the authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and

303(r), and sections 204(b), 0.283, and 1.45 of the Commission's Rules.

List of Subjects in 47 CFR Parts 73 and 74

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 98-33066 Filed 12-11-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 395

[FHWA Docket No. FHWA-97-2350; MC-96-28]

RIN 2125-AD93

Hours of Service of Drivers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent to consider negotiated rulemaking process.

SUMMARY: The FHWA is announcing its intent to explore the feasibility of conducting a negotiated rulemaking to revise the drivers' hours-of-service rules and has hired two convenors for that purpose. Until that process is complete and a decision is made concerning negotiated rulemaking, the FHWA will continue to move forward with its traditional rulemaking process which began with the publication of an advance notice of proposed rulemaking in the **Federal Register** on November 5, 1996 (61 FR 57252).

FOR FURTHER INFORMATION CONTACT: Neill L. Thomas or David R. Miller, Office of Motor Carrier Research and Standards, (202) 366-4009, or Charles E. Medalen, Office of Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Availability

An electronic copy of this document may be downloaded using a computer, modem, and suitable communications software from the Government Printing Office (GPO) electronic bulletin board service (telephone: 202-512-1661). Internet users may reach the **Federal Register's** home page at: <http://www.nara.gov/fedreg> and the GPO's

web page at: <http://www.access.gpo.gov/nara>.

Background

In a negotiated rulemaking, an agency invites interested parties that are likely to be affected by a regulation to work with each other and the agency on a negotiating committee to develop a consensus draft of a proposed rule. That proposed rule would then be published by the agency for public comment under customary regulatory procedures.

The FHWA believes cooperative problem solving should be given serious consideration. An agency must determine whether an appropriate advisory committee can be assembled that would fairly represent all affected interests and negotiate in good faith. The FHWA has, therefore, retained two convenors (Charles Pou, Jr. and Alana Knaster) to undertake the initial stage in the negotiated rulemaking process.

The neutral convenors will interview affected interests, including drivers, motor carriers, safety advocacy groups, enforcement officials, insurers, and others. The convenors will, among other things, examine the potential for adequate and balanced representation of these varied interests on an advisory committee that would be convened to negotiate the regulation. The convenors will then submit a written report of findings and recommendations to the agency. The convenors' report will provide a basis for the FHWA to decide whether to proceed with negotiated rulemaking, and, if so, to determine the scope of the issues the committee would be charged with addressing. In the alternative, the FHWA may decide to proceed with traditional informal rulemaking. Toward this latter end, the agency continues to consider and evaluate various options for revising the hours-of-service rules.

Any comments the FHWA may receive in reaction to this notice will be provided to the convenors and filed in the public docket.

Should the FHWA decide to proceed with a negotiated rulemaking process, the agency would follow the procedures set forth in the Negotiated Rulemaking Act of 1996, 5 U.S.C. 561 *et seq.* This would include the establishment of a negotiating committee under the Federal Advisory Committee Act (5 U.S.C. Appendix 2), and a **Federal Register** notice setting forth full particulars about the process and public participation.

Authority: 5 U.S.C. 561 *et seq.*; 49 U.S.C. 31136, 31502; and 49 CFR 1.48

Issued on: December 7, 1998.

Kenneth R. Wykle,
Federal Highway Administration
Administrator.

[FR Doc. 98-32965 Filed 12-11-98; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking submitted by the National Mobility Equipment Dealers Association (NMEDA). NMEDA sought to extend the duration of the exclusion (now expired) of light trucks and vans (LTVs) "manufactured for operation by persons with disabilities" from the dynamic test requirements for manual seat belts and automatic restraints in the Federal occupant crash protection standard. The petition also sought to expand the exclusion to apply to all types of vehicles manufactured to be operated by individuals with disabilities.

The exclusion was established for businesses that either manufacture light trucks and vans designed to be operated by persons with disabilities or alter those vehicles before their first retail sale. In the absence of the exclusion, these businesses would have been required to certify that their vehicles met the dynamic and automatic crash protection requirements. The exclusion indirectly benefitted another group of businesses, ones that modify vehicles, after their first retail sale, so that they can be operated by persons with disabilities. In the absence of the exclusion, a statutory prohibition against making federally-required safety equipment inoperative would have prevented this second group of businesses from modifying or removing equipment required by the dynamic and automatic crash protection requirements.

The agency is denying the petition because the exclusion is no longer needed by the businesses that were subject to it. Data from a representative number of manufacturers and alterers of light trucks and vans for persons with

disabilities demonstrate their ability to comply with the dynamic testing requirements.

In a separate but related notice, the agency has proposed a limited exemption from the make inoperative prohibition. The proposal addresses NMEDA's concerns to the extent that it would allow businesses to modify vehicles after the first retail sale in a manner that adversely affects the vehicle's compliance with specified safety standards so that persons with disabilities can drive or ride in them. Standard 208, Occupant Crash Protection, is one of those standards.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Lou Molino or Clarke Harper, Office of Crashworthiness Standards, NPS-11, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C., 20590. Telephone: (202) 366-2264. Facsimile (202) 493-2739.

For legal issues: Nicole Fradette, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone: (202) 366-2992. Facsimile (202) 366-3820.

SUPPLEMENTARY INFORMATION:

I. Background

The National Highway Traffic Safety Administration (NHTSA) issues Federal motor vehicle safety standards (Standards) that specify performance requirements that apply to new motor vehicles and items of motor vehicle equipment before their first sale for purposes other than resale. 49 USC § 30101, *et seq.* Vehicle and equipment manufacturers must certify that their products comply with all applicable Standards before they sell their products. For vehicles manufactured by two or more manufacturers, the final-stage manufacturer is ultimately responsible for certifying the vehicle.¹ If a completed, certified vehicle is modified before its first retail sale (other than by the addition, substitution, or removal of readily attachable components), the person making the modification is an alterer and is required to certify that, as altered, the vehicle continues to comply with all applicable Standards. 49 CFR Part 567.7.

Businesses that modify a vehicle after its first retail sale are not required to certify that the vehicle, as modified,

¹ A final-stage manufacturer is defined as a person who performs such manufacturing operations on an incomplete vehicle that it becomes a completed vehicle. 49 CFR Part 568.3.