WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS–400111. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

Dated: June 17, 1997.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 97–16354 Filed 6–20–97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21, 73, and 76

[MM Docket Nos. 94–150, 92–51, 87–154, DA 97–1246]

Television LMAs

AGENCY: Federal Communications Commission.

ACTION: Notice. Request for comments.

SUMMARY: By this public notice, the Commission requests parties to all existing television local marketing agreements (''LMA'') to provide certain factual information regarding the terms and characteristics of these agreements. This information will supplement the record in rulemaking proceedings currently pending before the Commission that relate to the treatment of television LMAs under the broadcast attribution and ownership rules.

DATES: Parties to any existing television LMAs should file an original and four copies of the requested information by July 8, 1997.

ADDRESSES: The requested submissions should be addressed to: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION: Alan Baughcum, Mass Media Bureau, Policy and Rules Division, (202) 418–2170 or Kim Matthews, Mass Media Bureau, Policy and Rules Division, (202) 418–2130.

SUPPLEMENTARY INFORMATION: This is a synopsis of the public notice adopted June 12, 1997, and released June 17, 1997. The complete text of this public notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC, and may also be purchased from the Commission's copy contractor, International Transcription Service (ITS), (202) 857–3800, 1919 M Street, NW, Room 246, Washington, DC 20554.

Synopsis of Public Notice Seeking Further Information Regarding Television LMAs

1. By this public notice, the Commission requests parties to all existing television local marketing agreements (''LMA'') to provide certain factual information regarding the terms and characteristics of these agreements. This information will supplement the record in rulemaking proceedings currently pending before the Commission that relate to the treatment of television LMAs under the broadcast attribution and ownership rules.

2. An LMA, or time brokerage agreement, is a type of contract in which the licensee of a broadcast station makes available blocks of broadcast time to a broker, who then supplies the programming to fill that time and sells the commercial spot announcements to support the programming. Currently, the Commission does not attribute television LMAs; they consequently are not subject to the broadcast ownership rules. *See* 47 CFR 73.3555. The Commission, however, has proposed to treat time brokerage of another television station in the same market for more than 15 percent of the brokered station's weekly broadcast hours as being attributable, and therefore as counting toward the brokering licensee's multiple ownership limits. See Further Notice of Proposed Rule Making in MM Docket Nos. 94–150, 92–51, 87–154, FCC 96–436, at ¶¶26–31 (released November 7, 1996) 61 FR 67275 (published December 20, 1996) (Attribution Notice). The Commission has also sought comment on how to treat existing television LMAs, including to what extent such LMAs should be grandfathered, under any guidelines that are adopted that would attribute LMAs to the brokering station. See Second Further Notice of Proposed Rule Making in MM Docket Nos. 91–221, 87–8, FCC 96–438, at ¶¶80–91 (released November 7, 1996) 61 FR 66978 (published December 19, 1996) (Local TV Ownership Notice).

3. In seeking comment on these proposals, the Commission requested information on the terms and characteristics of existing television LMAs. Attribution Notice at ¶31; Local TV Ownership Notice at ¶87. The commenters, however, have not provided us sufficient information on a range of important factual issues. For example, we do not have complete information about the number of existing television LMAs, the date of origination, the duration of these contractual arrangements, or the location of stations subject to LMAs.

4. To provide a more complete record, the Commission consequently requests parties to any existing television LMA, whether it involves stations in the same local market or in different markets, to submit the following information:

(1) For both the brokering and brokered stations, the name of the licensee, call letters, channel number, and community of license.

(2) The name and rank of the Nielsen Designated Market Area(s) in which the brokering and brokered stations are located.

(3) Whether the brokering and brokered stations have overlapping signal contours and, if so, specify the degree of city grade, grade A or grade B overlap.

(4) The date on which the parties entered into the LMA.

(5) Information regarding the term of the LMA—specifically, the start and end dates of the initial term of the LMA, whether the LMA includes renewal provisions, and, if so, the specific terms of such renewal provisions, *e.g.*, length, at which party's option the renewal may be exercised, whether renewal is automatic, notice for exercising renewal option, etc.

(6) The percentage of the brokered station's weekly broadcast hours that is brokered to the brokering station.

(7) Whether the brokering or brokered stations are owned by or affiliated with the ABC, CBS, Fox, NBC, UPN, or WB broadcast television networks. If so, please specify the identity of the network and whether the relationship between network and station is that of ownership or affiliation.

(8) The reported Nielsen all-day audience share (measuring 9 a.m. through midnight) for both the brokering and brokered station during the last three most recent rating periods.

(9) A brief summary of any other information that parties to an LMA, at their option, may wish to bring to the Commission's attention, such as any efficiencies or public interest benefits they believe have resulted from the LMA, whether the station was off the air prior to the LMA being entered into, whether the station has been or is for sale, or whether the station was constructed while under the LMA.

5. This factual information will greatly assist the Commission in considering the proposals in the Attribution Notice regarding the attribution of television LMAs. It is also particularly relevant to the Commission's assessment of the need to grandfather existing television LMAs in the event they are deemed attributable, and the form this grandfathering should take. Parties to existing LMAs are the

best, if not the sole, source of this information. Failure to provide the requested information may impair the Commission's ability to fashion appropriate grandfathering rights in the event LMAs are deemed attributable. We consequently require for every existing television LMA the licensee of the brokering station and/or the licensee of the brokered station to submit the information described above. In the event parties to an LMA seeking grandfathered status fail to provide this information they will be required to explain their failure to do so.

6. Parties should file an original and four copies of the requested information by July 8, 1997. These submissions should reference MM Docket Nos. 91–221, 87–8, 94–150, 92–51, and 87–154, and should be addressed to: Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition, we encourage, but do not require, parties to submit the requested information on diskette. Such diskette submissions would be in addition to, and not a substitute for the formal filing requirements described above. Those parties submitting diskettes should submit them to Alan Baughcum, Federal Communications Commission, Mass Media Bureau, Policy & Rules Division, 2000 M Street, Suite 531, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible form using WordPerfect for Windows or Wordperfect for DOS, versions 5.1 or higher. The diskette should be submitted in ''read only'' mode. The diskette should be clearly labeled with the party's name, the words ''TV LMA,'' and the date of submission.

7. The submissions will be available for viewing and copying in the FCC's Public Reference Room, Room 239, 1919 M Street, NW., Washington, DC 20554. Copies may also be purchased from the Commission's copy contractor, International Transcription Service (202–857–3800).

8. For additional information, please contact Alan Baughcum (202–418–2170) or Kim Matthews (202–418–2130) of the Policy & Rules Division, Mass Media Bureau.

FCC Notice to Individuals Required by the Paperwork Reduction Act

9. Public reporting burden for this collection of information is estimated to average 1 hour per filing, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Performance Evaluation & Record Management, AMD–PERM, Paperwork Reduction Project (3060–0778), Washington, DC 20554. FCC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law No. 104–13, October 1, 1995, 44 USC 3507.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–16253 Filed 6–20–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 604

[Docket No. FTA–97–2624]

RIN 2132–AA58

Charter Services Demonstration Program

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of proposed rulemaking; request for comments and recommendations.

SUMMARY: Section 3040 of the Intermodal Surface Transportation Efficiency Act (ISTEA) directed the Federal Transit Administration (FTA) to issue regulations establishing a demonstration program that would permit transit operators to provide charter services for the purpose of meeting the transit needs of the government, civic, charitable, and other community activities which otherwise would not be served in a cost effective and efficient manner. Section 3040 required FTA to consult with a board representing public transit operators and privately owned charter services. Section 3040 also required FTA to submit a report to Congress evaluating the effectiveness of the charter demonstration program and providing recommendations for improving the current charter service regulations. Today's Notice of Proposed Rulemaking (NPRM) presents results and conclusions drawn from the charter demonstration program, and seeks comments and recommendations regarding improvements to the charter service regulations.

DATES: Comments must be received by August 22, 1997.

ADDRESSES: Comments should be submitted to U.S. Department of Transportation, Central Docket Office, PL–401, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Rita Daguillard or Regina Martin, Federal Transit Administration, 202/366–1936.

SUPPLEMENTARY INFORMATION:

I. Background

A. FTA's Charter Service Requirements

On April 13, 1987, the Federal Transit Administration (FTA), then the Urban Mass Transportation Administration (UMTA), revised its charter service regulation, 49 CFR Part 604. The principle behind this regulation is that federally funded equipment and facilities may not be used to compete unfairly with private charter operators, in keeping with 49 U.S.C. 5323(d) and 5302(a)(7) of the Federal transit laws. When the regulation went into effect on May 13, 1987, it was subject to five limited exceptions, set out in 49 CFR 604.9. Under these exceptions, a recipient of Federal funds may provide charter services if: (1) There are no willing and able private operators; (2) the private charter operator does not have the capacity needed for a particular charter trip; (3) the private charter operator is unable to provide equipment accessible to the elderly and persons with disabilities; (4) in non-urbanized areas, the charter service that would be provided would result in a hardship on users; or, (5) private charter operators are not capable of providing service for special events.

On December 22, 1987, the President signed the Department of Transportation and Related Agencies Appropriations Act, 1988 (Pub. L. 100–202, 101 Stat. 1329; hereinafter the ''FY 1988 Act''). In the Conference Report accompanying the FY 1988 Act, FTA was directed to amend its charter service regulation to ''permit non-profit social service agencies to seek bids for charter service from publicly funded operators.'' (Conf. Rept., Committee Print accompanying Department of Transportation and Related Agencies Act, 1988, 100th Cong., 1st Sess. 62). This report suggested that ''(t)hese non-profit agencies * * * be limited to government entities subject to sections 501(c) 1, 3, 3 (sic) and 19 of the Internal Revenue Code.'' The report recommended that ''(i)n such cases, the public operator * * * be required to