

adverse comments. A detailed rationale for EPA's actions is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated and the direct final rule will become effective. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received in writing by May 21, 1997.

ADDRESSES: Written comments on this action should be addressed to Richard Long, Air Program Chief, 8P2-A, at the EPA Regional Office listed below. Copies of the State's submittal and documents relevant to this proposed rule are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2405; and North Dakota State Department of Health and Consolidated Laboratories, Environmental Health Section, 1200 Missouri Avenue, Bismarck, North Dakota, 58502-5520.

FOR FURTHER INFORMATION CONTACT: Amy Platt, Environmental Protection Agency, (303) 312-6449.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: April 7, 1997.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 97-10127 Filed 4-18-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2800, 2920, 4100, 4300, 4700, 5460, 5510, 8200, 8340, 8350, 8360, 8370, 8560, 9210, and 9260

RIN 1004-AC30

[WO-130-1820-00 24 1A]

Law Enforcement; Criminal

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Bureau of Land Management (BLM) is withdrawing the

proposed rule to revise and consolidate the BLM's criminal law enforcement regulations. The proposal was published in the **Federal Register** on November 7, 1996. BLM is taking this action in response to the many comments we received on the proposal. This Action in no way diminishes the authority of BLM's Law Enforcement Officers or other employees under the current laws and regulations BLM will continue to enforce the law on public lands we administer.

FOR FURTHER INFORMATION CONTACT: Erica Petacchi, Regulatory Management Group (WO-630), Bureau of Land Management, Mail Stop 401LS, 1849 "C" Street, N.W., Washington, DC 20240; telephone (202) 452-5084 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: On November 7, 1996, BLM published a proposed rule to consolidate and revise the Criminal Law Enforcement regulations. See 61 FR 57605-57621. BLM intended only to simplify and streamline the existing regulations and to consolidate scattered provisions in one new subpart. The initial comment period, which was to close on January 6, 1997, was extended twice for an additional 60 days at the requests of commenters. The comment period closed on March 7, 1997. After the close of the comment period, BLM decided to withdraw the proposed rule in response to misunderstanding and confusion by the public on how the proposed regulations would affect BLM's law enforcement program.

Dated: April 14, 1997.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 97-10211 Filed 4-18-97; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 1

[GC Docket No. 97-113; FCC 97-113]

Electronic Filing of Documents in Rulemaking Proceedings

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In order to implement the changes mandated by the Telecommunications Act of 1996 to serve the public more quickly and efficiently, the Commission is proposing to expand the use of electronic filing in FCC proceedings. There has been positive public response to the

Commission's use thus far of new information technologies. In this proceeding, the Commission proposes to amend its rules to permit the filing of comments in rulemaking proceedings (except broadcast allotment proceedings) over the Internet. This proceeding will make it easier for the public to participate in FCC rulemaking proceedings and is an important step not only in the Commission's ongoing efforts to prepare the FCC for the information age.

DATES: Comments are due May 21, 1997 and reply comments are due June 5, 1997.

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

FOR FURTHER INFORMATION CONTACT: Laurence H. Schecker, Office of General Counsel, (202) 418-1720.

SUPPLEMENTARY INFORMATION:

Adopted: April 4, 1997.

Released: April 7, 1997.

I. Introduction

1. In this Notice of Proposed Rulemaking (NPRM), we propose to allow parties to file comments¹ electronically in all FCC informal notice and comment rulemaking proceedings conducted under section 553 of the Administrative Procedure Act, except for broadcast allotment proceedings.² These electronic filings would be given the same treatment and consideration as comments filed on paper. We tentatively conclude that this action will make it significantly easier for members of the public to communicate their views to the Commission, and to review comments that others have filed. We believe that electronic filing will also allow the Commission to improve the efficiency of its own processes, to the benefit of the public.

II. Background

2. The FCC is committed to taking advantage of new information technologies to better serve the public. For nearly two years, we have made virtually every FCC order, notice of proposed rulemaking, public notice, and news release available at no charge through the Internet. We have

¹ Throughout this NPRM, we use the term "comments" to refer to comments, reply comments, and other documents filed in notice and comment rulemaking proceedings prior to the reply comment deadline.

² 5 U.S.C. § 553. Broadcast allotment proceedings are large in number and are therefore not included in this pilot program. In addition, they are restricted under the Commission's ex parte rules, 47 CFR § 1.1208, which increases the chances that electronic filings might not be properly served on the parties.

continuously improved our World Wide Web site at <<http://www.fcc.gov>> to make it more content-rich and easier to navigate. In addition, we have established an electronic mailbox, <fccinfo@fcc.gov>, for submitting questions to the agency, and all the major operating Bureaus within the FCC now have their own World Wide Web home pages. Our Web site now receives roughly 110,000 individual "hits" daily, from more than 70,000 unique users every month.

3. In 1994, we appointed a Special Counsel for Reinventing Government to examine what steps the Commission had taken, and could take in the future, to better serve the public. The Special Counsel issued a detailed report entitled *Creating a Federal Communications Commission for the Information Age*, which, in turn, led to the largest reorganization in the history of the agency.³ Since that time, we have taken many steps to use information technology to better serve the public. In major proceedings, we have invited commenters to file copies of their paper comments on diskette, and we have posted the comments received in this manner on our Internet site. We have created electronic mailboxes to accept informal comments in proceedings of particular interest to the Internet community, such as the Unlicensed National Information Infrastructure (U-NII) spectrum proposal⁴ and the America's Carriers Telecommunication Association (ACTA) petition on Internet telephony.⁵ In one recent proceeding, dealing with implications of Internet services for the public switched telephone network,⁶ we received over 400,000 electronic mail ("e-mail") messages in less than a month. We are making extensive use of electronic data submission and bidding in connection with our ongoing spectrum auctions, and we are rapidly moving forward with electronic filing mechanisms for, among

other things, amateur radio forms, commercial wireless services, and tariffs filed by telecommunications carriers.

4. The enactment of the Telecommunications Act of 1996 (1996 Act) gave further impetus to our procedural reform effort. In order to implement the sweeping changes mandated by the 1996 Act, the Commission must serve the public more quickly and efficiently, and must maximize the opportunities for public input. On the same day that the 1996 Act was signed into law, the Commission issued a Notice of Inquiry (NOI) that invited the public, the communications industry, the bar, and state and local governments to make candid, comprehensive, and constructive suggestions to improve the full range of the Commission's routine processing procedures.⁷ We sought comment on ways to eliminate redundancies, reduce waste and increase efficiency. We also sought comment on our current use of technology and how we can expand our use of technology to reduce regulatory burdens. We invited proposals for more effective methods of collecting and sharing information with regulated entities and the public, and we asked how we could better meet our customer service standards and goals.

5. We received numerous comments to our NOI. Virtually all of them advocated the expanded use of electronic filing in FCC proceedings.⁸ The Commission recognizes that electronic filing can make it easier for industry and the public to communicate with the FCC, and allow us to provide better service to the public. To the extent that it allows small businesses to communicate their views more easily in FCC proceedings, it also reduces regulatory barriers to entry, consistent with Section 257⁹ of the Communications Act, which directs the Commission to identify and eliminate market entry barriers for small businesses in the provision of telecommunications services.

6. Therefore, as the next step in our continuing effort to improve FCC processes, we have launched a comprehensive electronic filing initiative, one aspect of which is this rulemaking proceeding. We are also developing an on-line World Wide Web page interface that will make it possible for parties to submit documents to us electronically in all rulemaking

proceedings. A more far-reaching aspect of the initiative will involve replacement of the Commission's aging, proprietary Record Image Processing System (RIPS), which currently provides access to comments filed with the Commission in notice and comment rulemaking proceedings as well as a variety of filings in other kinds of docketed proceedings (e.g., tariff investigations, formal hearings before Administrative Law Judges, and applications by Bell Operating Companies to provide out-of-region long-distance service). By developing a new electronic processing system to complement, and eventually replace, RIPS, we hope to make it possible for the public to submit all documents now processed through RIPS to us directly through the Internet and other electronic means. This new system will allow parties and the public to search for and download comments and other filings in open FCC proceedings via the Internet, rather than coming to the FCC Reference Center or purchasing paper copies from the Commission's copy contractor.

7. At this time, however, the Commission's rules do not provide for the filing of formal comments in notice and comment rulemaking proceedings in electronic form. In order to establish explicit procedures for electronic comment filing for notice and comment rulemaking proceedings, and in order to address important implementation issues, we believe a rulemaking proceeding is appropriate.¹⁰ We therefore initiate this proceeding as an important step not only in our electronic filing initiative, but in our ongoing efforts to prepare the FCC for the information age.

III. Discussion

A. Formal Status of Electronically Filed Comments

8. An estimated 40 million people in the United States now have access to the global Internet, and that number is growing rapidly.¹¹ Allowing parties to use the Internet and other forms of electronic transmission to file comments in FCC rulemaking proceedings would make it simpler for people to submit comments to the Commission, and

¹⁰ Even though these proposed rules involve Commission organization, procedure, and practice normally exempt from notice and comment requirements, see 5 U.S.C. § 553(b), we believe it is important to seek public comment on the electronic filing initiative through an open rulemaking process.

¹¹ See, e.g., Jared Sandberg, "U.S. Households with Internet Access Doubled to 14.7 Million in Past Year," *Wall Street Journal*, October 21, 1996, at B11.

³ Report on Creating an FCC for the Information Age, Special Counsel to the FCC for Reinventing Government, Public Notice 51978 (February 2, 1995).

⁴ See *In the Matter of Amendment of the Commission's Rules to Provide for Operation of Unlicensed NII Devices in the 5 GHz Frequency Range*, Report and Order, ET Docket No. 96-102, FCC 97-5 (released January 9, 1997), 62 FR 4649, January 31, 1997.

⁵ See *Common Carrier Bureau Clarifies and Extends Request for Comment on ACTA Petition Relating to "Internet Phone" Software and Hardware*—RM No. 8775, Public Notice, DA 96-414 (March 25, 1996). This latter proceeding was not a notice and comment rulemaking proceeding and would not be covered by our proposal here.

⁶ *Access Charge Reform*, Notice of Proposed Rulemaking, Third Report and Order, and Notice of Inquiry, FCC 96-488 (released December 24, 1996), 62 FR 4670, January 31, 1997.

⁷ *Improving Commission Processes*, Notice of Inquiry, PP Docket No. 96-17, 11 FCC Rcd 14006 (1996).

⁸ See, e.g., GTE comments at 18; NECA comments at 2; SBC comments at 5; FCBA comments at 3-4.

⁹ 47 U.S.C. § 257.

would allow comments to be made available for review on-line in an efficient manner. We therefore tentatively conclude that allowing comments to be filed in electronic format in all rulemaking proceedings (other than broadcast allotment proceedings)¹² would serve the public interest.

9. The FCC rules include specific requirements for comments filed in rulemaking proceedings and considered by the Commission.¹³ Comments that do not meet these filing requirements are treated as "informal" comments.¹⁴ Several provisions of the rules currently require comments, replies, and other documents to be filed on paper. We tentatively conclude that these rules should be modified so that, to the extent possible, electronically filed comments receive the same treatment and consideration as comments filed on paper. Specific proposed rule changes are set forth below. We seek comment on this conclusion, and on any other rule changes that would be necessary to facilitate electronic filing of comments in rulemaking proceedings. We also ask for comment on whether we should apply these electronic filing procedures to comments or pleadings filed in connection with steps that are preliminary to notice and comment rulemaking—e.g., petitions for rulemaking (other than in broadcast allotment proceedings), notice of inquiry proceedings—as well as petitions for reconsideration and responsive comments or pleadings filed in notice and comment rulemakings other than broadcast allotment proceedings.¹⁵

10. At this time, we limit our proposal to comments, reply comments, and other documents filed in rulemaking proceedings, other than rulemaking proceedings involving amendments of the FM or television Tables of Allotments. We need more experience with this new system before we expand the scope of the electronic filing option. Moreover, other types of proceedings may present different and more difficult implementation issues. Commenters are free to make suggestions about future implementation in other areas as the Commission considers the broader electronic filing initiative discussed in paragraph 6, above.

B. Implementation Issues

11. We believe that formal electronic filing in rulemaking proceedings can be implemented in a reasonable manner that will benefit both the Commission and the public. It is important, however, to address administrative and implementation issues that may arise as we seek to allow formal comments to be filed electronically. In addition, electronic filing will require internal procedures to ensure that comments can be processed and made available for review in a timely manner. Some of these issues are most appropriately addressed in the context of this rulemaking proceeding, while others are best resolved through guidelines that we will establish in subsequent public notices or in notices of proposed rulemaking in specific proceedings. In both cases, however, public input will be beneficial, and thus we seek comment on several topics that we believe should be addressed.

12. We seek comment on the means by which electronic comments in rulemaking proceedings should be submitted to the Commission. For example, we currently require parties to file multiple copies of formal comments with the Secretary, and usually ask that separate copies be submitted to our copy contractor, to facilitate distribution of copies within the Commission. We tentatively conclude that, if comments are filed electronically, parties would need only to submit one electronic "copy," which could automatically be distributed by the FCC to the appropriate Bureaus and Offices, as well as the copy contractor, in electronic form. We seek comment on this approach.

13. In the past, we have accepted informal comments and copies of paper comments via e-mail and diskette. In the interim period before our new electronic comment processing system is operational and we have completed this rulemaking proceeding, we intend to continue and expand the use of diskette and e-mail filing, in order to provide some level of electronic filing availability to the public as soon as possible. Both of these methods, however, require additional processing on the part of FCC staff. Diskettes must be individually loaded onto FCC computers and scanned for computer viruses, files must be manually transferred from each diskette, and FCC staff must extract the necessary filing data such as docket number from the files. Electronic mail also requires additional effort to extract and verify filing data, and to screen e-mail filings for transfer into a central database.

14. In order to reduce these administrative burdens, we therefore tentatively conclude that the primary mechanism for electronic filing of formal comments in rulemaking proceedings should be a World Wide Web page form,¹⁶ through which parties may upload their comments directly into a database or input brief comments directly. This mechanism would allow filing data to be submitted and verified automatically.¹⁷ Parties will continue to be able to obtain paper copies of comments from the Commission or its copy contractor as they currently do, or they can print their own hard copies of the comments directly from the Internet posting. Moreover, a Web page interface will allow parties to use the same system to search for and download comments filed in a proceeding as they do to file their own comments. Such a system will also allow the Commission to provide additional documentation on filing requirements for those parties that require it, through additional Web pages linked to the comment filing form. We seek comment on this proposal. Parties are invited to comment on the feasibility and desirability of other media, such as CD-ROMs and dial-up bulletin board systems, for submitting electronic filings.

15. The security and integrity of comments filed electronically is a significant concern. Our electronic comment processing system will utilize a secure database that can only be modified by authorized FCC staff. Commenters that are particularly concerned about security of their filings, or that lack access to electronic filing capabilities, may always file their comments on paper.

16. We seek comment on whether any special measures are necessary to authenticate or secure electronic comments in rulemaking proceedings. Electronic comments can be forged, but the risk appears to be no greater than with paper comments. If, as our proposed rules reflect,¹⁸ we were to permit electronic filing without any special security measures, other than requiring basic identifying information (such as name, street address, telephone number, and e-mail address) as a point of contact, it would be up to the

¹⁶ The FCC Electronic Comment page form is an interactive Internet page designed to accept data in a specified format for transfer to a database.

¹⁷ An automated script would verify that all necessary fields are filled out, and could send a reply message to the party if any information is missing. FCC staff, however, still would likely be required to verify that information provided is accurate, especially with respect to fields such as the docket number of the proceeding.

¹⁸ We have proposed revisions to Section 1.419 to adapt that rule to electronic filings.

¹² See footnote 2, *supra*, and ¶ 10, *infra*.

¹³ See, e.g., 47 CFR §§ 1.49, 1.419.

¹⁴ 47 CFR § 1.419(b).

¹⁵ If the Commission decides to do so, other rules may need to be modified, including Rule 1.52, 47 CFR § 1.52. See also ¶ 20, *infra*.

commenters, as it is today for paper filings, to identify fraudulent filings. We invite parties to comment on our proposed rule and on whether the benefits of any special authentication or security measures—such as encryption, digital signatures, or account numbers for each commenter—would outweigh the additional administrative difficulties and other concerns about such a requirement.

17. We also seek comment on whether any special procedures should be developed to mitigate frivolous or abusive filings. The Commission has authority to reject such filings.¹⁹ Although we recognize the ease of electronic filing may increase the likelihood that some individuals or groups will make frivolous, abusive, or repetitive filings in this manner, we tentatively conclude that no special procedures should be created to address this concern. We seek comment on whether any rules or procedures are necessary to respond to concerns about frivolous or abusive filings, and we invite parties to suggest measures that would decrease the likelihood of such filings without overly burdening commenters.

18. We tentatively conclude that the filing date and time for comments submitted by electronic mail shall be the date the document is received by the FCC. Although comments filed via the Internet may take time in transit to the FCC due to network congestion or large attached files, we believe that this transmission period will usually be quite short, and that these rules are the only enforceable means for determining when comments are filed. Moreover, basing the filing date on the time of receipt by the FCC tracks our existing rules for paper filings.²⁰ We plan to implement a confirmation mechanism so that parties filing electronically will receive an automatic acknowledgement specifying the official receipt date and time of their filings. We seek comment on these tentative conclusions, and we invite parties to suggest alternative or additional measures to ensure timely receipt and notification of comment filings.

19. We tentatively conclude that electronic comments will be subject to the same treatment as paper comments, in that comments that are received before the applicable deadline that meet the necessary formalities will be treated as formal filings, and comments that are received after the deadlines, or that fail

to meet the necessary formalities, will be treated as informal or *ex parte* filings. Consistent with our existing rules, we tentatively conclude that electronic comments may be received as informal or *ex parte* filings in a non-restricted rulemaking proceeding, until that proceeding is terminated (or the docket is closed) and no longer subject to a petition for reconsideration or clarification, except during the Sunshine Period.²¹ We seek comment on these proposals.

20. Finally, if we were to extend the rules to petitions for reconsideration, we tentatively conclude that, where service of documents is required on specific parties (e.g., oppositions to petitions for reconsideration under 47 CFR § 1.429(f)), such service must be made with paper documents, unless the party to be served agrees to accept electronic service of these materials. In such a situation, parties may file electronically with the FCC, but we cannot control the means by which other parties choose to accept information. We seek comment on this tentative conclusion, and we seek comment on possible means of facilitating electronic service.

21. This rulemaking proceeding will address the necessary changes in our rules to make possible formal electronic filings in rulemaking proceedings other than broadcast allotment proceedings. We intend to develop more specific procedural guidelines for filings in subsequent public notices or solicitation of public comment in specific dockets. We anticipate that these guidelines will address issues such as: the specific procedures for filing comments electronically; formatting of electronically filed documents; and alternate methods of obtaining copies of documents filed electronically. We will endeavor to make this information as easily available as possible.

22. We request public input on the specific procedures by which we accept comments electronically. Therefore, we invite parties to comment on any other procedural or administrative issues with respect to electronic filing of comments. For example, how should we specify page limits or file size limits for electronic filings? What file formats should we accept? Should we establish any requirements for formatting of electronic documents, such as paragraph numbering? What would be the standard system for citations to electronically filed comments, since page breaks in a file may differ when

viewed or printed on different computer systems? How should service requirements for the Bureau or Office handling a proceeding, and FCC Commissioners, be handled?

IV. Conclusion

23. We believe that allowing parties to file comments electronically in all FCC notice and comment rulemaking proceedings other than broadcast allotments, and giving those comments the same treatment and consideration as paper comments, will serve the public interest. We encourage parties to comment on the questions we raise in this Notice, so that our electronic filing initiative may be implemented in the most effective manner.

V. Procedural Issues

A. *Ex Parte* Presentations

24. This is a non-restricted notice-and-comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Period, provided that they are disclosed as provided in the Commission's rules. See generally 47 CFR §§ 1.1202, 1.1203 and 1.1206.

B. Initial Regulatory Flexibility Analysis

25. Section 603 of the Regulatory Flexibility Act, as amended, requires an initial regulatory flexibility analysis in notice and comment rulemaking proceedings, unless we certify that "the rule will not, if promulgated, have a significant economic impact on a significant number of small entities." Our purpose in granting electronically filed comments comparable legal treatment to comments filed on paper is to simplify and clarify the existing rules, and to give parties additional options for filing comments. The modifications do not impose any additional compliance burden on persons dealing with the Commission, including small entities. All parties will still be permitted to file comments on paper, exactly as they do today. We anticipate that the revisions we propose will make it easier for small entities as well as others that wish to file and review comments electronically to do so. Accordingly, we certify, pursuant to Section 605(b) of the Regulatory Flexibility Act, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Public Law 104-121, 110 Stat. 847 (1996), that the rules will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. § 605(b). The Secretary shall send a copy of this Report and Order, including this certification, to the Chief Counsel for Advocacy of the Small

¹⁹ See, e.g., *Commission Taking Tough Measures Against Frivolous Pleadings*, Public Notice, FCC 96-42, 11 FCC Rcd. 3030 (1996).

²⁰ 47 CFR § 1.7.

²¹ See 47 CFR §§ 1.1202(f), 1.1203. As now, if *ex parte* filings in a non-restricted proceeding are received during the Sunshine Period, they will be processed in accordance with the *ex parte* rules. See, e.g., 47 CFR § 1.1212.

Business Administration. 5 U.S.C. § 605(b). A copy of this certification will also be published in the **Federal Register**. *Id.*

C. Initial Paperwork Reduction Act of 1995 Analysis

26. The requirements proposed herein have been analyzed with respect to the Paperwork Reduction Act of 1995, Public Law 104-13, and found to impose no new or modified information collection requirement on the public. The filing of comments in FCC proceedings is voluntary, and the modifications proposed in this NPRM do not create any new obligations for parties that wish to file comments. Parties may continue to file comments on paper, under exactly the same procedures as applied prior to this NPRM.

D. Comment Filing Procedures

27. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before 30 days after publication in the **Federal Register** and reply comments on or before 45 days after publication in the **Federal Register**. For purposes of this proceeding, we hereby waive those provisions of our rules that require formal comments to be filed on paper, and encourage parties to file comments electronically. Electronically filed comments that conform to the guidelines of this section will be considered part of the record in this proceeding and accorded the same treatment as comments filed on paper pursuant to our rules.

28. To file electronic comments in this proceeding, you must use the electronic filing interface available on the FCC's World Wide Web site at <<http://www.fcc.gov/comments/commurl.html>>. Further information on the process of submitting comments electronically is available at that location. Parties that file comments electronically should also send a copy of any documents filed with the Commission in this docket to the Commission's copy contractor, International Transcription Services, Inc. (ITS), by e-mail to <its_inc@ix.netcom.com>. Information about ITS is available on the World Wide Web at <<http://www.itsi.com>>.

29. To file paper comments in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you would like each Commissioner to receive a personal copy of your paper filings, you must file an original and

nine copies. Paper comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Parties that file paper comments should also submit one copy of any documents filed in this docket with ITS, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

30. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Comments filed electronically through the Internet will also be made available on the FCC's World Wide Web site at <<http://www.fcc.gov>>.

E. Contact Person

31. For further information concerning this proceeding contact Laurence H. Schecker, Office of General Counsel, at (202) 418-1720.

VI. Ordering Clause

32. Accordingly, *it is ordered* that pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i), (j), a notice of proposed rulemaking is hereby *adopted*.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 0 and 1 of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.401 is amended by adding paragraph (a)(1)(iii) to read as follows:

§ 0.401 Location of Commission offices.

* * * * *

(a) * * *

(1) * * *

(iii) Electronic filings, where permitted, must be transmitted as

specified by the Commission or relevant Bureau or Office.

* * * * *

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. 151, 154, 207, 303 and 309(j) unless otherwise noted.

2. Section 1.46 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1.46 Motions for extension of time.

* * * * *

(b) Motions for extension of time in which to file responses to petitions for rulemaking, replies to such responses, comments filed in response to notice of proposed rulemaking, replies to such comments and other filings in rulemaking proceedings conducted under subpart C of this part shall be filed at least 7 days before the filing date. If a timely motion is denied, the responses and comments, replies thereto, or other filings need not be filed until 2 business days after the Commission acts on the motion. In emergency situations, the Commission will consider a late-filed motion for a brief extension of time related to the duration of the emergency and will consider motions for acceptance of comments, reply comments or other filings made after the filing date.

(c) If a motion for extension of time in which to make filings in proceedings other than notice and comment rulemaking proceedings is filed less than 7 days prior to the filing day, the party filing the motion shall (in addition to serving the motion on other parties) orally notify other parties and Commission staff personnel responsible for acting on the motion that the motion has been (or is being) filed.

3. Section 1.47 is amended by revising paragraph (d) to read as follows:

§ 1.47 Service of documents and proof of service.

* * * * *

(d) Documents may be served upon a party, its attorney, or other duly constituted agent by delivering a copy or by mailing a copy to the last known address. When a party is represented by an attorney of record in a formal proceeding, service shall be made upon such attorney. Documents that are required to be served must be served in paper form, even if documents are filed in electronic form with the Commission, unless the party to be served agrees to accept service in some other form.

* * * * *

4. Section 1.49 is amended by revising paragraph (a) and adding new paragraph (f) to read as follows:

§ 1.49 Specifications as to pleadings and documents.

(a) All pleadings and documents filed in paper form in any Commission proceeding shall be typewritten or prepared by mechanical processing methods, and shall be filed on A4 (21 cm. × 29.7 cm.) or on 8½ × 11 inch (21.6 cm. × 27.9 cm.) paper with the margins set so that the printed material does not exceed 6½ × 9½ inches (16.5 cm. × 24.1 cm.). The printed material may be in any typeface of at least 12-point (0.42333 cm. or 12/72") in height. The body of the text must be double spaced with a minimum distance of 7/32 of an inch (0.5556 cm.) between each line of text. Footnotes and long, indented quotations may be single spaced, but must be in type that is 12-point or larger in height, with at least 1/16 of an inch (0.158 cm.) between each line of text. Counsel are cautioned against employing extended single spaced passages or excessive footnotes to evade prescribed pleading lengths. If single-spaced passages or footnotes are used in this manner the pleading will, at the discretion of the Commission, either be rejected as unacceptable for filing or dismissed with leave to be refiled in proper form. Pleadings may be printed on both sides of the paper. Pleadings that use only one side of the paper shall be stapled, or otherwise bound, in the upper left-hand corner; those using both sides of the paper shall be stapled twice, or otherwise bound, along the left-hand margin so that it opens like a book. The foregoing shall not apply to printed briefs specifically requested by the Commission, documents filed in electronic form, official publications, charted or maps, original documents (or admissible copies thereof) offered as exhibits, specially prepared exhibits, or if otherwise specifically provided. All copies shall be clearly legible.

(f) Comments, reply comments, and other documents filed before the close of the reply comment period, may be filed in electronic form in any rulemaking proceeding other than broadcast allotment proceedings. The Commission may adopt specific requirements for formatting and filing of documents submitted in electronic form. For purposes of paragraphs (b) and (c) of this section, and any prescribed pleading lengths, the length of any comment or reply comment filed in electronic form in a rulemaking proceeding shall be equal to the length of the document if printed out and

formatted according to the specifications of paragraph (a) of this section.

5. Section 1.419 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 1.419 Form of comments and replies; number of copies.

(d) Participants that file comments and replies in electronic form need only submit one copy of those comments, so long as the submission conforms to any procedural or filing requirements established for formal electronic comments.

(e) Comments and replies filed in electronic form by a party represented by an attorney shall include the name, street address, and telephone number of at least one attorney of record. Parties not represented by an attorney that file comments and replies in electronic form shall provide their name, street address, and telephone number.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 393

[FHWA Docket No. MC-96-41; FHWA-97-2289]

RIN 2125-AE05

Public Meeting To Discuss the Development of the North American Standard for Protection Against Shifting or Falling Cargo

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FHWA is announcing a public meeting concerning the development of the North American Cargo Securement Standard. The meeting will include presentations of the results of recently completed research and a discussion of a draft version of the North American Standard for Protection Against Shifting or Falling Cargo.

DATES: The meeting will be held on May 3, 1997. It will begin at 9:00 a.m. and end at 5:00 p.m.

ADDRESSES: The meeting will be held at the Wyndham Greenspoint Hotel, 12400 Greenspoint Drive, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Motor Carrier

Research and Standards, HCS-10, (202) 366-4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D. C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On October 17, 1996, the FHWA published an advance notice of proposed rulemaking (ANPRM) concerning the development of the North American Standard for Protection Against Shifting or Falling Cargo (61 FR 54142). The ANPRM indicated that the FHWA is considering proposing amendments to its regulations concerning cargo securement requirements for commercial motor vehicles engaged in interstate commerce. Specifically, the agency is considering adopting new cargo securement guidelines that will be based upon the results of a multi-year comprehensive research program to evaluate current regulations and industry practices. The FHWA requested comments on the process to be used in developing the cargo securement guidelines.

Standard Development Process

The preliminary efforts at developing the North American Cargo Securement Standard are currently being managed by a drafting group. The drafting group is developing a model set of cargo securement guidelines based upon the results from the multi-year research program. Membership in the drafting group includes representatives from the FHWA, Transport Canada, Canadian Council of Motor Transport Administrators (CCMTA), the Ontario Ministry of Transportation, Quebec Ministry of Transportation—Ontario and Quebec are conducting most of the research—and the Commercial Vehicle Safety Alliance (CVSA).

The meeting on May 3 is intended to serve as part of a process for further developing the guidelines and will involve a review of the work completed to date by the drafting group. The meeting is open to all interested parties. This process is intended to ensure that all interested parties have an opportunity to participate in the development of the guidelines, and to identify and consider the concerns of the Federal, State, and Provincial governments, carriers, shippers, industry groups, and associations as