

**Appendix D to part 583—Non-Vessel-Operating Common Carrier (NVOCC) Group Bank Form [FMC-69]**

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\* \* \* However, the bond shall not apply to shipments of used household goods and personal effects for the account of the Department of Defense or the account of federal civilian executive agencies shipping under the International Household Goods Program administered by the General Services Administration.

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By the Commission.

**Joseph C. Polking,**

*Secretary.*

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**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

**46 CFR Part 310**

**RIN 2133-AB22**

[Docket No. R-161]

**Merchant Marine Training**

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** The Maritime Administration (MARAD) is amending its regulations for the admission and training of midshipman at the United States Merchant Marine Academy to conform them to changes in the law. The amendments are with respect to the nomination and admission to the Academy of persons from American Samoa and Panama and the authority of the Secretary of Transportation to recover from graduates of the Academy costs of their education if they fail to fulfill certain conditions of their service obligations.

**EFFECTIVE DATE:** August 28, 1995.

**FOR FURTHER INFORMATION CONTACT:** Crawford Ellerbe, Academy Program Analyst, Office of Maritime Labor and Training, Maritime Administration, Department of Transportation, 400 Seventh Street SW., Room 7302, Washington, DC 20590, Telephone: (202) 366-2643.

**SUPPLEMENTARY INFORMATION:** This rulemaking amends MARAD regulations applicable to the U.S. Merchant Marine Academy (USMMA) to implement provisions of Pub.L. 101-595, as follows: (1) It recognizes that there is now a Delegate to the House of Representatives from American Samoa who may appoint persons to the

Academy. Previously, the Governor of American Samoa had been authorized to appoint persons to the Academy until a delegate to the House of Representatives from American Samoa took office. (2) It reflects the added authority of the Secretary of Transportation (Secretary) to exercise discretion to recover from USMMA graduates the Federal Government's costs for their education if they fail to fulfill certain conditions of their service obligation. Previously, the only consequence of a breach of contract by USMMA graduates was that they be ordered to active military service. (3) It also recognizes the authority of the Secretary of Transportation to allow an unlimited number of Panamanians to be admitted to the Academy on a reimbursable basis. Previously, the Secretary had been limited to allowing six appointments annually, on a reimbursable basis.

**Rulemaking Analysis and Notices**

*Executive Order 12866 (Federal Planning and Review) and DOT Regulatory Policies and Procedures.*

This rulemaking is not considered to be an economically significant regulatory action under section 3(f) of E.O. 12866, and it is not considered to be a significant rule under the Department's Regulatory Policies and Procedures. (44 FR 11034, February 26, 1979). Accordingly, it was not reviewed by the Office of Management and Budget.

A full regulatory evaluation is not required since this rule provides for regulatory costs that are allowed by statute, within the discretion of the Secretary of Transportation.

MARAD has determined that this rulemaking presents no substantive issue which it could reasonably expect would produce meaningful public comment since it merely recognizes changes in the law with respect to the nomination process for the USMMA and the discretion granted to the Secretary to recover costs of education at the USMMA from persons who did not fulfill their service obligations. Accordingly, pursuant to the Administrative Procedure Act, 5 U.S.C. 553(c) and (d), MARAD finds that good cause exists to publish this as a final rule, without opportunity for public comment, and to make it effective on the date of publication.

**Federalism**

The Maritime Administration has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does

not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Regulatory Flexibility Act**

The Maritime Administration certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

**Environmental Assessment**

The Maritime Administration has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

**Paperwork Reduction Act**

This rulemaking contains no reporting requirement that is subject to OMB approval under 5 CFR part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*).

**List of Subjects in 46 CFR Part 310**

Education, Grant programs, Seamen.

**PART 310—MERCHANT MARINE TRAINING [AMENDED]**

Accordingly, MARAD hereby amends 46 CFR part 310, subpart C as follows:

1. The authority citation continues to read as follows:

**Authority:** Secs. 204(b), 1301-1308, Merchant Marine Act, 1936, as amended, (46 App. U.S.C. 1114(b), 1295-1295g); 49 CFR 1.66.

**§ 310.53 [Amended]**

2. Section 310.53(a) is amended as follows:

a. In paragraph (a)(1) by removing the text beginning with the words, "the Governor of American Samoa", preceding the word "may", and inserting in lieu thereof the words, "the Delegate to the House of Representatives from American Samoa."

b. In paragraph (a)(2) in the table by amending the entry for American Samoa by revising the entry under the heading "To be nominated by—" to read "The Delegate to the House of Representatives representing American Samoa."

**§ 310.58 [Amended]**

3. Section 310.58 is amended in paragraph (e)(2) by adding at the end thereof the following sentence. "If the Secretary of Defense is unable or unwilling to order an individual to active duty, the Secretary of Transportation may recover from the individual the cost of education provided by the Federal Government by requesting the Attorney General to begin court proceedings to recover the costs of that education."

**§ 310.66 [Amended]**

4. Section 310.66 is amended in paragraph (c) by adding at the end thereof the following sentence: "The Secretary may allow, upon approval of the Secretary of State, additional individuals from the Republic of Panama to receive instruction at the Academy on a reimbursable basis."

Dated: August 22, 1995.

By Order of the Maritime Administrator.

**Joel Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 95-21194 Filed 8-25-95; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[GC Docket No. 92-223; FCC 95-346]

#### Broadcast Indecency

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its rules on enforcement of prohibitions against broadcast indecency so as to be in compliance with the instructions given by the United States Court of Appeals for the D.C. Circuit in *Action for Children's Television v. FCC*. The intended effect of the Court's instruction is to make the time periods during which the indecency ban applies the same for both public broadcasters and commercial broadcasters.

**EFFECTIVE DATE:** August 28, 1995.

**FOR FURTHER INFORMATION CONTACT:** Steve Bailey, Office of General Counsel, (202) 418-1720.

#### SUPPLEMENTARY INFORMATION:

##### Memorandum Opinion and Order

Adopted: August 7, 1995.

Released: August 18, 1995.

By the Commission:

1. By this Order, the Commission conforms its rules to comply with the instructions given by the United States Court of Appeals for the District of Columbia Circuit in *Action for Children's Television v. FCC*, No. 92-1092 (decided *en banc* June 30, 1995; mandate issued July 12, 1995). Although the Court generally upheld the Commission's implementation of Section 16(a) of the Public Telecommunications Act of 1992, Pub. L. No. 102-356, 106 Stat. 949 (1992), relating to the prohibition on indecent programming by broadcast stations, it remanded the case to the Commission

"with instructions to limit its ban on the broadcasting of indecent programs to the period from 6:00 a.m. to 10:00 p.m." *Id.*, slip op. at 30. The effect of the Court's instruction is to make the time periods during which the indecency ban applies the same for both public broadcasters and commercial broadcasters. Thus, we are hereby amending Section 73.3999 of the Commission's Rules, 47 C.F.R. § 73.3999, to provide that no licensee of a radio or television broadcast station shall broadcast on any day between 6 a.m. and 10 p.m. any material which is indecent.

2. Accordingly, it is ordered, That Section 73.3999 of the Commission's Rules, 47 CFR § 73.399, is amended as set forth below.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

#### Appendix—Amendatory Text

Part 73, Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334.

2. Section 73.3999 is revised to read as follows:

##### § 73.3999 Enforcement of 18 U.S.C. 1464 (restrictions on the transmission of obscene and indecent material).

(a) No licensee of a radio or television broadcast station shall broadcast any material which is obscene.

(b) No licensee of a radio or television broadcast station shall broadcast on any day between 6 a.m. and 10 p.m. any material which is indecent.

[FR Doc. 95-21247 Filed 8-25-95; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Part 390

RIN 2125-AC51

#### Accident Recordkeeping Requirements

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** This document technically amends the definition of the term *accident* in FHWA's Federal motor carrier safety regulations to include language that was inadvertently omitted from a previous final rule, and technically amends those regulations to indicate that the Office of Management and Budget has approved the accident recordkeeping requirements as amended by this rule. The full intention of the FHWA was to require interstate motor carriers to include their accidents involving a commercial motor vehicle engaged in intrastate commerce on accident registers. The definition of the term *accident* is amended to reflect this intention.

**EFFECTIVE DATE:** September 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter C. Chandler, Office of Motor Carrier Research and Standards, (202) 366-5763, or Mrs. Allison Smith, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation, 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:** On February 2, 1993, the FHWA published a final rule in the **Federal Register** (58 FR 6726) which removed the accident notification and reporting requirements in part 394 of the Federal Motor Carrier Safety Regulations (FMCSRs) and added a requirement in part 390 that motor carriers maintain an accident register consisting of a list of information about accidents and copies of all accident reports required by governmental authorities or insurers. The accidents that must be included in an accident register were specified by the definition of the term *accident* in 49 CFR 390.5. The term *accident*, as currently defined, does not include an accident involving a commercial motor vehicle engaged in intrastate commerce. This type of accident was covered by the accident notification and reporting requirements in part 394. The FHWA inadvertently failed to include this type of accident in the definition of the term *accident*. The full intention of the FHWA was to require interstate motor carriers to include their accidents involving a commercial motor vehicle engaged in intrastate commerce on accident registers.

The FHWA is therefore making a technical amendment to the definition of the term *accident* to include accidents involving a commercial motor