

**§ 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.*

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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.

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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