

months, with a result indicating an alcohol concentration of less than 0.04; and

(ii) The employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of this part or the alcohol misuse rule of another DOT agency within the previous six months.

(2) Except as provided in paragraphs (b)(i)(1) and (ii) of this section, the employer shall not allow a driver to perform a safety-sensitive function unless the driver has been administered an alcohol test with a result indicating an alcohol concentration of less than 0.04.

(3) If a pre-employment alcohol test result under this section indicates an alcohol concentration of 0.02 or greater but less than 0.04, the provisions of § 382.505 apply.

(4) The employer shall conduct the tests using the procedures of 49 CFR part 40.

* * * * *

3. In § 382.301(d)(1) introductory text, the words "(1) (i) and (ii)" are added after the words "paragraph (b)".

Issued this 2nd day of May, 1996, at Washington, D.C.

Rodney Slater,

Administrator, Federal Highway Administration.

FTA

List of Subjects

49 CFR Part 653

Drug testing, Grant programs-transportation, Mass transportation, Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 654

Alcohol testing, Grant programs-transportation, Mass transportation, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons set out in the preamble, the Federal Transit Administration proposes to amend 49 CFR Part 654, as follows:

PART 654—PREVENTION OF ALCOHOL MISUSE IN TRANSIT OPERATIONS.

1. The authority for Part 654 would continue to read as follows:

Authority: 49 U.S.C. 5331; 49 CFR 1.51

2. Section 654.31 is proposed to be revised to read as follows:

§ 654.31 Pre-employment testing.

(a) As part of its alcohol misuse program under this part, an employer is permitted, but not required, to conduct

pre-employment testing for the use of alcohol. If the employer chooses to conduct such testing under this section, the requirements of paragraphs (b) through (d) apply.

(b) The employer shall administer a pre-employment alcohol test before the first time any covered employee performs a safety-sensitive function for the employer.

(c) The employer shall conduct the tests using the procedures of 49 CFR Part 40.

(d) The employer shall not allow a covered employee to perform safety-sensitive functions, unless the result of the employee's test indicates an alcohol concentration of less than 0.04. If a pre-employment alcohol test result under this section indicates an alcohol concentration of 0.02 or greater but less than 0.04, the provisions of § 654.65 apply.

Issued this 2nd day of May, 1996, at Washington, D.C.

Gordon J. Linton,

Administrator, Federal Transit Administration.

[FR Doc. 96-11432 Filed 5-8-96; 8:45 am]

BILLING CODE 4910-62-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 80

[CI Docket No. 95-55, FCC 96-194]

Inspection of Radio Installations on Large Cargo and Small Passenger Ships

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a *Notice of Proposed Rule Making* (NPRM) which proposes rules to require that large cargo and small passenger vessels arrange for an inspection of such ships by an FCC-licensed technician. The Commission adopted this NPRM to incorporate changes to the Communications Act related to the inspection of ships and to explore ways to improve the Commission's ship inspection process. The intended effect of these proposed rules is to increase the availability of competent, private sector inspectors to conduct inspections of cargo vessels and small passenger vessels required to be inspected by the Commission without adversely affecting safety and, thus, provide greater convenience for the maritime industry.

DATES: Comments must be filed on or before May 24, 1996, and reply

comments must be filed on or before June 3, 1996. Written comments by the public and federal agencies on the proposed and/or modified information collections are due by May 24, 1996. Written comments by OMB on the proposed and/or modified information collections on or before July 8, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 - 17th Street, N.W., Washington, DC 20503 or via the Internet to fain-t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: George R. Dillon of the Compliance and Information Bureau at (202) 418-1100. For additional information concerning the information collections contained in this NPRM contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, CI Docket No. 95-55, FCC 96-194, adopted April 25, 1996, and released, April 26, 1996. The full text of this *Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street NW, Washington, DC 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

This *Notice of Proposed Rule Making* (NPRM) was initiated to incorporate changes to the Communications Act related to the inspection of ships, to explore ways to improve the Commission's ship inspection process, to reduce administrative burdens on the public and the Commission, and to ensure that vessel safety is not adversely affected. Currently, the Commission inspects the radio installations of approximately 1,110 vessels each year subject to the Communications Act or the Safety Convention. The proposed rules will replace the requirement that the Commission inspect such ships with a requirement that ship owners or operators arrange for an inspection by an FCC-licensed technician.

2. Privatization will result in the following benefits:

(a) It will increase the number of experienced entities available to inspect the radio stations of ships.

(b) Privatization will permit ship owners and operators to arrange for inspections at any time or place.

(c) Our proposal for privatization should not adversely affect safety, we are proposing rules that will require two separate certifications that the ship has passed the safety inspection. Additionally, we are coordinating this item with the U. S. Coast Guard.

(d) It will also decrease administrative burdens on the Commission by shifting the responsibility to arrange ship inspections from the Commission to ship owners or operators.

3. The Communications Act requires that the Commission must inspect the radio installation of large cargo ships and certain passenger ships of the United States at least once a year to ensure that the radio installation is in compliance with the requirements of the Communications Act. Additionally, the Communications Act requires that the Commission must inspect the radio installation of small passenger vessels as necessary to ensure compliance with the radio installation requirements of the Communications Act. Currently, the Commission inspects small passenger vessels once every five years.

4. The Safety Convention, to which the United States is signatory and which applies to large cargo ships and certain passenger vessels, also requires an annual inspection. The Safety Convention, however, permits an Administration to entrust the inspections to either surveyors nominated for the purpose or to organizations recognized by it. The United States can, therefore, have either Commission inspectors or other entities conduct the radio station inspections of vessels for compliance with the Safety Convention.

5. The purpose of these inspections is to ensure that passengers and crew members of certain U. S. ships have access to distress communications in an emergency. The 1996 Act adopted the statutory changes in this area requested by the Commission in 1995. In part, these changes permit the Commission to designate entities to perform the inspections required by the Communications Act. We are proposing a significant change to the current rules and procedures regarding safety inspections and request comment on these proposals.

Paperwork Reduction Act

This NPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due July 8, 1996. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-0362.
Title: 80.401 Station documents required.

Form No.: N/A.

Type of Review: Revision of existing collection.

Respondents: Large businesses and small businesses.

Number of Respondents: 11,318.

Estimated Time Per Response: 4.48 hours.

Total Annual Burden: 44,478 hours.

Estimated costs per respondent: There are no separate costs.

Needs and Uses: The NPRM proposes to revise the Commission's Rules regarding the inspection of ships for compliance with the Telecommunications Act of 1996 and the International Convention for the Safety of Life at Sea, 1974 (Safety Convention). The NPRM will streamline ship inspection procedures for the maritime services and preserve maritime safety. The information collected will be used to provide a written record of the inspections of radio equipment used to provide distress and safety communications capability during an emergency. Because the safety of ship's crew and passengers during a disaster could be jeopardized if radio communications were not available, the Commission is proposing that the inspecting technician and the ship's owner, operator or captain each certify in the ship's station log that the vessel has passed a safety inspection.

Initial Regulatory Flexibility Analysis

6. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals contained in this NPRM. We request written public comment on the IRFA, which follows. Comments must have a separate and distinct heading designating them as responses to the IRFA and must be filed by the deadlines provided in paragraph 19 of the NPRM. The Secretary shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Public Law 96-354, 94 Stat. 1164, 5 U.S.C. 601-612 (1981).

A. Reason for Action

7. The Commission proposes to require that ships subject to the Communications Act or the Safety Convention must have the required inspection conducted by an FCC-licensed technician.

B. Objectives

8. We seek to promote efficiency in the Commission's service to the public and to encourage the use of private sector organizations to take over government operations wherever possible.

C. Legal Basis

9. The proposed action is authorized under Sections 4(i) and 303(r) of the Communications Act, 47 U.S.C. 154(i) and 303(r), and the Safety Convention Chapter I, Regulation 6(a).

D. Reporting, Recordkeeping and Other Compliance Requirements

10. Our proposed amendments to 47 CFR 80.802, 80.851, 80.903 and 80.1067 would require owners and operators of vessels subject to the Communications Act to use an FCC-licensed technician to meet a current inspection requirement.

E. Federal Rules Which Overlap, Duplicate or Conflict with These Rules

11. None.

F. Description, Potential Impact, and Small Entities Involved

12. Use of the private sector to inspect vessels subject to the Communications Act or the Safety Convention would allow better service to the owners and operators of such vessels, many of which are small businesses, and more efficient use of scarce government resources. It would additionally

encourage the creation of jobs to inspect approximately 1,110 vessels each year.

G. Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives

13. None.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies)

47 CFR Part 80

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-11612 Filed 5-8-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1300

[STB Ex Parte No. 528]

Disclosure, Publication, and Notice of Change of Rates and Other Service Terms for Rail Common Carriage

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The ICC Termination Act of 1995 (ICCTA) eliminated the tariff requirements formerly applicable to rail carriers, but imposed in lieu thereof certain obligations to disclose common carriage rates and service terms as well as a requirement for advance notice of increases in such rates or changes in service terms. The ICCTA requires the Board to promulgate regulations to administer these new obligations by June 29, 1996. The Board proposes to add a new part 1300 to its regulations for that purpose as set forth below.

DATES: Comments are due on June 10, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 528 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The Board's decision discussing this proposal is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289-4357.

Request for Comments

We invite comments on all aspects of the proposed regulations. Comments (an original and 10 copies) must be in writing, and are due on June 10, 1996.

Small Entities

The Board certifies that this rule, if adopted, would not have a significant economic effect on a substantial number of small entities. Although many railroads and shippers are small entities, the Board believes that the costs of compliance would be minimal. The proposed rules should result in easier access to rail rate and service information, and to that extent, our proposed action should benefit small entities.

The Board seeks comment on whether there would be effects on small entities that should be considered.

Environment

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1300

Agricultural products, Disclosure requirement, Fertilizer, Notice requirement, Publication requirement, Rail carriers.

Decided: May 2, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations, is proposed to be amended as follows:

SUBCHAPTER D—CARRIER RATES AND SERVICE TERMS

1. The heading for Subchapter D is revised as set forth above.

2. The undesignated center headings for parts 1300-1319, parts 1320-1329, and parts 1330-1339 are removed.

3. A new part 1300 is added to read as follows:

PART 1300—DISCLOSURE, PUBLICATION, AND NOTICE OF CHANGE OF RATES AND OTHER SERVICE TERMS FOR RAIL COMMON CARRIAGE

Sec.

1300.1 Scope; definitions.

1300.2 Disclosure requirement for existing rates.

1300.3 Response to request for establishment of a new rate.

1300.4 Notice requirement.

1300.5 Additional publication requirement for agricultural products and fertilizer.

Authority: 49 U.S.C. 721(a) and 11101(f).

§ 1300.1 Scope; Definitions.

(a) The provisions of this part address the requirements imposed on rail carriers by 49 U.S.C. 11101(b), 11101(c), 11101(d) and 11101(f).

(b) Except as otherwise provided in this section, the provisions of this part apply to any common carriage transportation or service provided by a rail carrier subject to the jurisdiction of the Surface Transportation Board under 49 U.S.C. 10501.

(c) The provisions of this part do not apply to any transportation or service provided by a rail carrier under a contract authorized under 49 U.S.C. 10709 or former 49 U.S.C. 10713.

(d) The provisions of this part do not apply to any transportation or service provided by a rail carrier to the extent that such transportation or service is exempted from rate notice and disclosure requirements pursuant to an exemption issued under 49 U.S.C. 10502 or former 49 U.S.C. 10505.

(e) For the purposes of this part, *service terms* means all classifications, rules, and practices that affect the rates, charges, or level of service for rail transportation.

§ 1300.2 Disclosure requirement for existing rates.

(a) A rail carrier must disclose to any person, upon formal request, the specific rate(s) requested (or the basis for calculating the specific rate(s)), as well as all charges and service terms that may be applicable to transportation covered by that rate(s).

(b) The information provided by a rail carrier under this section must be provided immediately. Such information may be provided either in writing or in electronic form as agreed to by the parties.

§ 1300.3 Response to request for establishment of a new rate.

Where a shipper or a prospective shipper requests that the carrier establish a rate in the absence of an appropriate applicable rate for particular transportation, the carrier must promptly establish and provide to the requestor, in writing or in electronic form as agreed to by the parties, an appropriate rate and applicable service terms. The response should be provided as soon as reasonably possible, but no later than 10 business days from receipt of the request. If a carrier determines that additional information is required from the requester before a rate or term can be established, the carrier must so notify the requester as soon as possible,