

5. Bring the volume up to the 0.1 milliliter mark with chloroform and swirl with a vortex mixer.

6. On a 2-foot conditioned column, adjust the gas flow and oven temperature to give a 10-15 minute retention time and adjust attenuation to give a peak height of 20-35 millimeters for 0.1 micrograms of MGA.

a. Suggested parameters are: Oven temperature, 210°-225° C; detector temperature, 275°-280° C; inlet temperature, 255° C; carrier gas flow for helium, 60-120 milliliters per minute, for hydrogen, 40-60 milliliters per

minute, for air, 300 milliliters per minute; chart speed, 0.25-0.5 inch per minute.

b. Do not exceed an oven temperature of 230° C.

7. Inject 10 microliters of stock solution D and measure the peak height in millimeters.

8. Inject 10 microliters of the sample and measure the peak height in millimeters.

9. For fat samples or problem samples use the 3-foot column providing a longer retention time of 16-20 minutes.

VI. Calculations. Calculate the parts per billion MGA by the following formula:

$$\text{Parts per billion} = \frac{\text{Peak height of unknown}}{\text{Peak height of standard}} \times 33.3$$

VII. Recovery study. A. Fortification of reagent blank:

1. For those using this method for the first time either for recovery study or tissue assay, a solvent blank and solvent fortified with MGA should be processed through the entire procedure. This preliminary operation will establish whether or not the procedure is free from contamination arising from solvents and glassware and demonstrate the level of recovery of standard MGA. Level of recovery should be in the same range as the samples.

2. Place 175 milliliters of 190 proof ethanol into the homogenizer.

3. To another 175 milliliters of 190 proof ethanol in a homogenizer cup add 1 milliliter of stock solution B.

4. Assay both samples as described in the procedure beginning with the extraction step V-C4.

B. Fortification of the samples:

1. Weigh 60-gram portions of the unfortified tissue into homogenizer cups and set half of them aside to serve as tissue blanks.

2. Add to the remaining samples 1 milliliter of stock solution B to serve as fortified samples to which 25 parts per billion have been added.

3. Assay both fortified and unfortified tissue as described in the procedure section beginning with the extraction step V-C3 or the extraction step V-D2, whichever is appropriate.

§ 135g.57 Sulfadimethoxine.

Tolerances are established for residues of sulfadimethoxine in edible products of animals as follows:

(a) In the uncooked edible tissues of chickens, turkeys, and cattle at 0.1 part per million (negligible residue).

(b) In milk at 0.01 part per million (negligible residue).

§ 135g.58 Sulfomycin.

A tolerance of zero is established for residues of sulfomycin (N-sulfomethylpolymyxin B sodium salt) in uncooked edible tissues from chickens and turkeys.

§ 135g.59 Sulfanilamide.

A tolerance of zero is established for residues of sulfanilamide (acetyl(p-nitrophenyl) sulfanilamide) and its metabolites in the uncooked edible tissues of chickens.

§ 135g.60 Aklomide.

A tolerance of zero is established for residues of aklomide (2-chloro-4-nitro-

benzamide) and its metabolites in the uncooked edible tissues of chickens.

§ 135g.61 Metoserpat hydrochloride.

A tolerance of 0.02 part per million is established for negligible residues of metoserpat hydrochloride (methyl-0-methyl-18-epimerate hydrochloride) in uncooked edible tissues of chickens.

§ 135g.62 Clopidol.

Tolerances for residues of clopidol 3,5-dichloro-2,6-dimethyl-4-pyridinol in food are established as follows:

(a) In cereal grains, vegetables, and fruits: 0.2 part per million.

(b) In chickens:

(1) 15 parts per million in uncooked liver and kidney.

(2) 5 parts per million in uncooked muscle.

(c) In cattle, sheep, and goats:

(1) 3 parts per million in uncooked kidney.

(2) 1.5 parts per million in uncooked liver.

(3) 0.2 part per million in uncooked muscle.

(d) In swine: 0.2 part per million in uncooked edible tissues.

(e) In milk: 0.02 part per million (negligible residue).

§ 135g.77 Sulfachlorpyridazine.

A tolerance of 0.1 part per million is established for negligible residues of sulfachlorpyridazine in uncooked edible tissues of calves and swine.

Since this order recodifies and rearranges existing material without significant change, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 512, 701 (a), 52 Stat. 1055, 82 Stat. 343-51; 21 U.S.C. 360b, 371 (a))

Dated: September 11, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-13187; Filed, Oct. 1, 1970; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 884—DELIVERY OF AIR FORCE PERSONNEL TO U.S. CIVILIAN AUTHORITIES FOR TRIAL

Miscellaneous Amendments

The heading of Part 884 of Title 32 of the Code of Federal Regulations is amended to read as set forth above.

Sections 884.4, 884.5, 884.6, 884.7, and 884.8 are revised to read as follows:

§ 884.4 Policy.

(a) *Requests by Federal authorities for personnel stationed within the United States, and its possessions.* Air Force policy is to deliver members of the Air Force to such authorities upon their request when the request is accompanied by a warrant for the member's arrest issued pursuant to the Federal Rules of Criminal Procedure, 18 U.S.C. Appendix, or when the requesting officer represents that such a warrant has been issued.

(b) *Requests by authorities of the State in which the member requested is located.* (1) Offenses punishable by imprisonment for more than 1 year. Air Force policy is to turn over to the civil authorities of the State, upon their request, members of the Air Force charged with an offense against civil authority punishable by imprisonment for more than 1 year, when such request is accompanied by a copy of the indictment, information, or other document which may be used in the particular jurisdiction to prefer formal charges of the commission of a criminal offense.

(2) Offenses punishable by imprisonment for 1 year or less. Upon request of civil authorities for the delivery of a member charged with an offense against civil authority punishable by imprisonment for 1 year or less, the commander authorized to deliver will exercise his discretion after consideration of the nature of the offense charged, other facts and circumstances, and the existing military situation. The request for delivery will be accompanied by a copy of the information or other document which may be used in the particular jurisdiction to prefer formal charges.

(c) *Request for delivery by authorities of any other State.* With respect to extradition process, military personnel have the same status as persons not in the Armed Forces. Accordingly, if the delivery of an Air Force member is requested by a State other than the State in which he is located, the authorities of the requesting State will be required, in the absence of a waiver of extradition process by the member concerned, to

complete extradition process according to the prescribed procedures to obtain custody of a person from the State in which the individual is located and to make arrangements to take the individual into custody there. It is contrary to Air Force policy to transfer an Air Force member from a station within one State to a station within another State for the purpose of making him amenable to prosecution by civil authorities.

(d) *Requests for custody of members stationed outside the United States.* All such requests will be forwarded to Hq USAF/JAJ for appropriate action.

§ 884.5 Procedure for delivery.

(a) *Delivery to State authorities.* Before making delivery to civil authorities of a State, the commander having authority to deliver will obtain from the Governor or other duly authorized officer of such State, a written agreement substantially in the following form:

In consideration of the delivery at _____ of (Name, Grade, and Social Security Account Number, U.S. Air Force, to me, (Name and capacity) _____, for trial upon the charge of _____ I hereby agree, pursuant to the authority vested in me as _____ that the commander of _____ will be informed of the outcome of the trial and that said _____ will be returned to Air Force authorities at the aforesaid place of his delivery, or to such other place as may be designated by the Department of the Air Force, or issued transportation thereto without expense of the United States or to the person delivered, immediately upon completion of his trial upon the charge aforesaid in the event that he is acquitted upon said trial, or immediately upon satisfying the sentence imposed, or upon other disposition of his case, unless the Air Force authorities shall have indicated that return is not desired. Pending disposition of the charge aforesaid, _____ will remain in the custody of (Name of Agency, etc., and Location), unless released on bail or his own recognizance, in which event (Air Force Unit, Activity, or Recruiting Office nearest place of trial), will be notified.

Where, under the laws of the State concerned, no authority exists permitting agreement to one or more of the conditions set out in the form, appropriate modification may be authorized by the commander. The Air Force considers this agreement substantially complied with when the Air Force authority who delivered the accused is informed of his prospective release for return to Air Force authorities, and when the individual is furnished transportation back to his station together with necessary funds to cover his incidental expenses en route thereto.

(b) *Delivery to Federal authorities.* Persons desired by the Federal authorities for trial will be called for and taken into custody by a U.S. marshal, deputy marshal, or other officer authorized by law. Request officer taking custody to execute statement in substantially the following form:

A warrant for the arrest of (Name, Grade, and Social Security Account Number) upon

the charge of _____ has been issued by _____ and in execution thereof, I accept custody of (Name) _____

_____ The commander, _____ will be advised of the outcome of the trial and _____ will be returned to the custody of the Air Force at (Air Force Unit, Activity, or Recruiting Office nearest place of trial) immediately upon completion of his trial upon the charge aforesaid in the event that he is acquitted upon said trial, or immediately upon satisfying the sentence imposed, or upon other disposition of his case, unless the Air Force authorities shall have indicated that return is not desired. Pending disposition of the charge aforesaid, _____ will remain in the custody of (Name of Agency, etc., and Location), unless released on bail or his own recognizance, in which event (Air Force Unit, Activity, or Recruiting Office nearest place of trial) will be notified.

Furnish officer with copies for authorities concerned.

§ 884.6 Procedure upon refusal of request.

In any case where a request is made for delivery to the civil authorities of a State or to the Federal authorities, and such request is refused, the circumstances of the case and the basis for the refusal will be reported without delay to Hq USAF/JAJ through, when applicable, the officer exercising general court-martial jurisdiction.

§ 884.7 Release on bail or recognizance.

The civil authority to which an Air Force member is delivered under this part may release the member on bail or his own recognizance before final disposition of the charges against him. The commander authorized to deliver or his designee will, before delivery, direct the member in writing to report to a designated Air Force unit, activity, or recruiting office for further instructions should he be so released. If the civil authority to which delivery was authorized is in the immediate vicinity of the member's station, the activity designated ordinarily will be the member's unit. The designated authority will be advised of this action. The authority to whom the member reports will communicate, by the fastest practicable means, the member's name, rank, SSAN, organization, and other pertinent information to and request disposition instructions from the commander who authorized the member delivered to civil authorities. If contact with such commander is not feasible, instructions will be obtained from USAFMPC/AFP MPKA.

§ 884.8 Cases involving special circumstances.

The policies stated in § 884.4 are intended to provide guidance only and are not to be considered as providing a solution for every case. In cases involving special circumstances, the commander authorized to deliver may transmit the request to Hq USAF/JAJ for determination of appropriate action.

(Secs. 8012, 814, 70A Stat. 488, 41; 10 U.S.C. 8012, 814)

For the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, JR.,
Colonel, U.S. Air Force Chief,
Special Activities Group, Office of The Judge Advocate General.

[P.R. Doc. 70-13177; Filed, Oct. 1, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17159; FCC 70-1042]

OPERATION OF LOW POWER FM BROADCAST TRANSLATOR AND BOOSTER STATIONS

Report and Order

In the matter of amendment of Part 74 of the Commission's rules and regulations to permit the operation of low power FM broadcast translator and booster stations, Docket No. 17159, RM-909.

1. The Commission has before it for consideration its notice of inquiry, released February 6, 1967 (FCC 67-152), and its notice of proposed rule making (FCC 69-33, 34 P.R. 761, released Jan. 15, 1969), proposing to amend Part 74 of the Commission's rules to authorize FM broadcast translator stations and FM broadcast booster stations. In addition to the parties who filed comments in connection with our notice of inquiry, 27 parties filed comments in response to the notice of proposed rule making. Inasmuch as we noted in the notice of proposed rule making that we had considered all of the comments filed in response to the notice of inquiry, we here consider only those additional comments filed in response to the notice of proposed rule making. The list of parties responding is attached hereto as Appendix I.¹

2. *Frequency assignment.* We are persuaded that a need has been established for FM broadcast translator stations and FM booster stations to provide FM radio service to areas and populations which are unable to receive satisfactory service by reason of distance or intervening terrain obstructions. Accordingly, we are amending Part 74 of the Commission's rules to add Subpart L, authorizing low-power FM broadcast translator stations and FM booster stations. Commercial FM broadcast translator stations will be authorized only on Class A channels which are so designated in § 73.206(a) (1) of the Commission's rules; noncommercial educational FM translators will be authorized on the 20 FM channels (channels 201 through 220, 88.1 MHz through 91.9 MHz) reserved for noncommercial educational use, but will also be authorized on the commercial Class A channels. We will not accept for filing any application proposed for an

¹ Filed as part of the original document.

FM translator to rebroadcast a commercial FM station on a channel reserved for noncommercial educational use. Channels 201 through 260 will not be assigned for FM translator use in Alaska because those frequencies (88.1 MHz through 99.9 MHz) are allocated for government radio services and non-government fixed service in Alaska. Channels 251 through 300 will not be assigned for FM translator use in Hawaii because those frequencies (98.1 MHz through 107.9 MHz) are reserved for nonbroadcast use in Hawaii. Assignments will be made for FM translator stations on the designated Class A channels irrespective of whether those channels are assigned to a community listed in the FM Table of Assignments. Some of the comments received in this proceeding urged that commercial FM translators not be confined to the 20 Class A channels, but we are of the view that, for the time being, these frequencies will be sufficient for FM translators and represent less of a potential for interference. Of course, should experience dictate that additional frequencies be made available, we will give the matter further study with a view toward removing the restrictions by a rule-making proceeding.

3. *Interference.* FM translators, like television translators, will be authorized on a no-interference basis. An FM translator will be authorized subject to the condition that it will not cause interference to off-the-air reception by the public of the signals of any other authorized station. Because of the potential for interference to reception of the signals of television stations or television broadcast translator stations operating on Channels 6-13, our rules will be phrased to provide that FM translators shall protect television translator stations against interference to reception of their transmitted signals. Because the sources of aural broadcast signals may be more numerous than television signals, we think it important to make it clear that a television translator station's input signal must be protected against interference by an FM translator station.

4. *Purpose and permissible service.* We do not propose to prohibit the use of FM translators to relay the signals of an FM radio broadcast station or another FM translator station to a more distant FM translator, so long as this is not the sole purpose of the station. We believe that, to the extent a translator station provides a service to the public which it would not otherwise receive, the public benefits and there is no valid reason to preclude a station because its incidental or primary purpose is as a relay. We anticipate that, as in the case of UHF television translators, there may be a problem of financial support for community-sponsored FM translator stations and we have, therefore, provided for local origination of voice announcements soliciting or acknowledging local public financial support. We see no need for this practice by station-owned FM translators, but we have imposed no restriction on such use. Where necessary to raise sufficient funds to maintain and operate a com-

munity-sponsored FM translator, the announcements may be commercial advertising matter. The translator licensee who seeks to originate local announcements for the purpose of soliciting or acknowledging public financial support need not obtain prior authorization. However, only equipment which has been specifically type-accepted for this purpose may be used.

5. *Eligibility and licensing requirements.* Our new rules provide that more than one FM translator will be authorized to the same party whether or not the translators will serve the same area, upon an appropriate showing of the need for the additional station or stations. The need will be presumed where the translators will rebroadcast different primary stations; a showing of need will be required only where the same programming would be provided to substantially the same area or where the question of need is raised by a party in interest who objects to grant of the application and makes a prima facie showing of the lack of need for the proposed new FM translator.

6. Some of the comments indicated a belief that commercial FM translators should not be restricted to the area within the primary station's predicted 1 mv/m field strength contour. Because we recognize that community-sponsored FM translators will be requested only where there is a real public demand, we will impose no restriction on the location of the areas they will serve. FM translators may not, however, be used by FM station licensees as a competitive means to expand a primary station's service area and, for this reason, we believe that areas to be served by station-owned FM translators must be confined to the predicted 1 mv/m field strength contour of the primary station and used as a "fill-in" service. The same considerations do not exist with respect to areas beyond a primary station's predicted 1 mv/m field strength contour where there is no other predicted FM radio service. Of course, no similar restrictions will be imposed in the location of FM translators rebroadcasting noncommercial educational FM broadcast stations. The 1 mv/m field strength contour will be the predicted contour as determined by the procedures set forth in § 73.313 of the Commission's rules and, for the purpose of determining whether an FM translator station or booster station will serve an area located within its primary station's 1 mv/m field strength contour, alternative methods will not be permitted. In short, the contour, for this purpose, will be the predicted contour without regard to any terrain-limiting factors.³

7. In the notice of proposed rule making, we proposed to adopt § 74.1232(e)

³ In the case of an FM broadcast station authorized with facilities in excess of those specified by § 73.211 of this chapter, an FM booster station will only be authorized within the 1 mv/m contour as predicted on the basis of the maximum powers and heights set forth in that section for the applicable class of FM station concerned.

which would provide that the Commission will not act upon applications for new stations in this service or for changes in existing translators where such changes will result in an increase in signal range in any horizontal direction until 30 days after the Commission gives public notice of the acceptance of such an application for filing. We have decided not to adopt this part of the proposed rules because our experience in television translators indicates that it is not necessary. The Commission is prohibited by section 309(b) of the Communications Act from granting an application for a new broadcast station less than 30 days after the Commission gives public notice of the acceptance of the application for filing. With respect to a modification application which would extend signal range in any horizontal direction, we have found that there are seldom any objections and, in any event, the number of pending applications has prevented action on such applications in less than 30 days. Should the situation be different with respect to FM translators or boosters, we would not hesitate to amend the rules accordingly.

8. *Power.* Several comments were addressed to the matter of power limitations on FM translators. After reviewing these comments, we are of the view that there is merit in the arguments that power in excess of 1 watt would represent a more efficient use of frequencies, subject to certain geographical restrictions discussed below. We have decided to allow FM boosters with transmitter power output of up to 10 watts nationwide and FM translators with transmitter power output of up to 10 watts west of the Mississippi River except for Zone I-A. East of the Mississippi River and in Zone I-A, power will be limited to 1 watt. There will be no limit on effective radiated power which may be obtained by the use of directive transmitting antennas. One of the reasons for limiting power to 10 watts is that we do not visualize translators as devices to provide wide area coverage and regular FM radio stations are available for higher power service. East of the Mississippi and in Zone I-A, the frequency congestion is such that we believe it necessary to restrict power in order to avoid a multitude of interference problems. FM translators proposed within 20 miles of the Canadian border are subject to coordination with the Canadian government. Until an agreement can be reached with the Government of Mexico, no application for an FM translator will be accepted for filing which proposes to serve an area within 200 miles of the Mexican border or, if inadvertently accepted for filing, will not be granted. Applicants seeking FM translators with power of 10 watts will be expected to make thorough frequency searches to ascertain the possibility of interference to any authorized broadcast or licensed nonbroadcast service (including government stations), and be prepared to demonstrate, in their applications, the extent of such frequency searches. The same limitations will be applicable to FM booster stations.

9. We have provided for the use of multiple output amplifiers with FM translators and boosters: *Provided, however*, That each 10-watt amplifier and, east of the Mississippi River and in Zone I-A, each 1-watt amplifier, must be used to serve a separate community or area. The transmitting antennas must be so designed and installed as to prevent reinforcement of the radiated signals to achieve effective radiated power in any direction in excess of that which could be achieved with a single antenna of the same design fed by a radiofrequency amplifier with power output not in excess of 10 watts west of the Mississippi River (except for Zone I-A) or not in excess of 1-watt east of the Mississippi River and in Zone I-A. A 1-watt FM translator or booster, using a multiple output amplifier, which serves an area west of the Mississippi outside of Zone I-A will not be restricted by this rule if the combination of all of its outputs could not exceed 10 watts. Thus, we do not mean to impose these limits on 1-watt stations west of the Mississippi outside of Zone I-A.

10. *Equipment.* The transmitting apparatus to be employed by an FM translator must be type accepted. An application specifying transmitting apparatus which is not type accepted will not be accepted for filing, as of the effective date of these rules. No change may be made in type accepted transmitting apparatus without grant of authority to make the change. Our rules with respect to the changes in equipment for which authority must be sought by formal application will conform to the television translator rules and are set forth in § 74.1251.

11. *Time of operation.* Translators are not, of course, expected to adhere to any regular schedule of operation. Each station, however, is expected to provide a dependable service and licensees will be held responsible for unwarranted interruptions of service. License renewal applications will contain a question requiring the applicant to account for time that the translator has been inoperative during the prior license period, whether for reasons within the licensee's control or for reasons beyond the licensee's control. If an FM translator is inoperative for a period in excess of 10 days, whatever the reason, the licensee must notify the Engineer in Charge of the radio district³ in which the translator is located, in writing, describing the cause of inoperation and the steps being taken to place the station back into regular operation. The licensee must notify the Engineer in Charge promptly upon resumption of operation. In the event that a translator station is inoperative for 30 days, except for causes beyond the licensee's control, such inoperation shall be deemed evidence of discontinuance of operation and the license of the station will be cancelled and its call letter deleted. Evidence of continued equipment failure or unsatisfactory service for any reason shall be

cause for the Commission to require immediate remedial measures or suspension of operation until satisfactory operation can be resumed with the assurance of satisfactory service thereafter.

12. *Operator requirements.* Section 318 of the Communications Act requires that the operation of every broadcast station, with the specific exception of television broadcast stations engaged solely in re-broadcasting, be placed in charge of a licensed operator. The Commission cannot, of course, waive this statutory requirement, although we are now preparing a proposal for submission to Congress to amend the statute to allow a similar exception for FM translators. Until Congress changes the law, a licensed radiotelephone operator is required. As indicated in our notice of proposed rule making (paragraphs 14-16), a person holding a valid restricted radiotelephone operator permit will satisfy this requirement. We proposed that this operator observe the operation of the translator at least every 6 hours, beginning at 8 a.m. or when the primary station commences operation, whichever is later, and ending at 10 p.m. In the event of malfunction, the operator would be required to discontinue operation of the translator until it can be placed in proper operating condition.

13. The National Association of Broadcasters expressed the view that these requirements are wholly unrealistic because what is being asked of the licensed operator is to perform a listening function, a function which will be performed, in any event, by thousands of ordinary listeners and if there is malfunction, ordinary listeners are likely to make the condition known. NAB believes that the requirement for observation at specified times may deter the employment of persons holding restricted permits because these persons would have other regular employment and may also impede the use and development of FM translators. NAB suggests, therefore, that the rule require only that a person holding a restricted permit make observations as frequently as necessary to assure that the station is functioning properly.

14. The observations of the operation of the translator and booster stations which the rules would require do not necessarily involve on-site inspection of the transmitting equipment. We believe that the requirements of the Communications Act will be satisfied by aural monitoring by use of a conventional FM broadcast receiver. Accordingly, our rules will provide that an operator holding a Restricted Radiotelephone Operator Permit or higher grade license will monitor the operation of the FM translator or booster at least once every 6 hours beginning at 8 a.m. or when the primary station commences operation whichever is later, and ending at 10 p.m. These requirements are expected to be temporary and will be removed if the Communications Act is amended to provide an exception for FM translators as is now provided for television translators.

15. *Other rule changes.* As indicated in our notice of proposed rule making, other changes in the rules will be necessary to

effectuate the new FM translator service. The rule changes are shown in Appendix II set forth below, but some of the changes require some discussion.

A. *Section 74.15.* This section of the rules will be amended to provide that the licenses of FM translator stations will expire in each State on the same dates as those of television translator stations in the same States. A list of license expiration dates is attached as Appendix III.⁴

B. *Sections 1.533, 1.536, and 1.539.* These sections of the rules are concerned with application forms. The existing forms now used by applicants for television translator stations will be modified to enable them to be used by applicants for FM translator stations. Sections 1.533(a)(8), 1.536(a)(7), and 1.539(d)(7) will be amended to include FM translators; §§ 1.533(a)(9), 1.536(a)(8), and 1.539(d)(8) will be added to provide for application forms for FM broadcast booster stations.

C. *Section 1.573(a)(1).* This section of the rules defines a major change in FM broadcast stations. It will be amended to add the following immediately preceding the proviso: "In the case of FM translator stations authorized under Part 74 of this chapter, it is any change in frequency (output channel), primary station, or principal community or communities". Any change other than the specified changes will be a minor change, including a change in input channel where no change in primary station is involved.

D. *Section 74.1202(b)(3).* The proposed new rules concerning frequency assignment are to be designated as § 74.1202. Paragraph (b) of this rule is concerned with channels on which FM translators will be permitted to operate, as discussed in paragraph 2, *supra*. We will add a paragraph (b)(3) to restrict the use of channels in Alaska and Hawaii for FM translator use as discussed in paragraph 2, *supra*. Channel assignment and use by FM translators and boosters will, of course, be subject to the outcome of the proceedings in Docket No. 14185, proposing a Table of Assignments for noncommercial educational FM broadcast stations, and will also be subject to the outcome of negotiations being conducted with the governments of Mexico and Canada concerning FM broadcast stations in close proximity to the borders of these nations.

E. *Section 1.580.* Those subsections of § 1.580 which are concerned with the requirement of publication of local public notice of the filing of an application for a new television broadcast translator station or for a major change in an existing television translator station will be amended to include FM translators and boosters. Paragraphs (c) and (d) contain publication and broadcast provisions relating to various types of applications and each contains an exception for television broadcast translator stations; paragraph (g), which sets forth what is required to be contained in the

³ The address of the Engineer in Charge of each radio district may be found in § 0.121 of the Commission's rules.

⁴ Filed as part of the original document.

local public notice, is presently applicable only to television translator stations. Finally, paragraph (h) requires the filing of proof of publication in triplicate. Our experience with television translator stations has shown that only one copy is necessary and we will, therefore, take this opportunity to amend that subsection to require only one copy of proof of publication in connection with TV and FM translators and FM boosters.

F. Sections 1.526(a); 1.594 (a), (b), and (f); 1.597(a)(1). Because there is a separate section of the rules governing publication requirements for translators, these sections of the rules contain certain specific exceptions for television translator stations. Each will be amended to include exceptions for FM translators and boosters, except that § 1.597(a)(1) will be amended to add boosters only.

G. Section 74.1283. In our notice of proposed rule making, we proposed to authorize FM translators and boosters with transmitter power output not to exceed 1 watt. For this reason, we did not believe that we should require that FM translators or boosters be identified. In view of the fact that our new rules will permit FM translators and boosters of up to 10 watts, we find it necessary to add a new section to the rules which will be concerned with station identification. We think that, to the extent possible, station identification rules for FM translators should conform closely to the recently revised rules for identification of TV translator stations (Report and Order in Docket No. 18568, 20 FCC 2d 858, 17 RR 2d 1699). Accordingly, the new rules will provide that FM translator stations operating with transmitter power output of 1 watt will not be required to be identified, although we would urge that identification be accomplished on a voluntary basis by the primary station. FM translators of more than 1 watt may make arrangements to be identified by the primary station. The licensee's responsibility will be to furnish and keep on file with the primary station current information regarding the translator's or booster's call letters, exact location, and the name, address, and telephone number of the person who may be contacted in an emergency to suspend operation of the station. While our experience with the newly revised television translator identification rules is negligible at this time, we believe that FM translator operators will find identification by primary station to be the simplest method of identification and the instances where self-identification will be necessary are expected to be rare. Where suitable arrangements cannot be made for identification by primary station or where, for any other reason, self-identification becomes necessary, the same alternative methods of identification will be available for FM translators as are now available for television translators, i.e., frequency shift keying (FSK) or amplitude modulation of the FM carrier. Separate identification of FM booster stations will not be required since they will be identified by the primary

station when it broadcasts its own call letters.

16. *Call signs.* Call signs will be assigned to FM translator stations in much the same manner as in the case of television translator stations. FM translator call signs will consist of a single letter designating its location with respect to the Mississippi River, followed by three digits indicating the output channel on which it operates, and this will be followed by two letters assigned in the order in which the station is authorized. For example, an FM translator located west of the Mississippi River will be designated with the letter "K" and one east of the Mississippi River will have the initial letter "W". K221AA would indicate an FM translator west of the Mississippi River operating on Channel 221, the first such station authorized. The next such station operating west of the Mississippi River on Channel 221 would have the call sign K221AB. There is no need to distinguish commercial from noncommercial educational since normally the channel numbers themselves will be sufficient distinction, there being only certain channels which will be used by noncommercial educational FM translators in most cases.

17. *FM booster stations.* For ease of administration, we have integrated the rules relating to FM booster stations into the new subpart L with the FM translator rules. Except as specifically indicated in the rules, the same rules, procedures and policies will apply to FM boosters as to FM translators. For this reason, we here discuss only those aspects of FM boosters which differ from FM translators.

18. FM booster stations will be authorized only to the licensee or permittee of the FM radio broadcast station whose signals the booster station will rebroadcast. The booster station will operate on the same output frequency as the primary station and the identification requirements will be satisfied when the primary station broadcasts its own call letters; separate identification will not be necessary. Since FM boosters will be available only to the licensees of FM radio broadcast stations, the same restrictions with respect to location within the primary station's predicted 1 mv/m field strength contour will apply as applies with respect to licensee-owned FM translators, except that an FM booster station will be permitted to serve only an area within its primary station's predicted 1 mv/m field strength contour.³ The license of an FM booster will expire on the same date as the license of its primary station.

19. An FM booster station will be permitted to rebroadcast only the signals of its primary station, received directly off the air; an FM booster station will not be permitted to rebroadcast the signals of an FM translator station or another FM booster station. Because the information required of an applicant for an FM booster station will be substantially less than that required of an applicant

for an FM translator station, different application forms will be used in connection with FM boosters.

20. It must be recognized that, by the indiscriminate use of an FM broadcast booster, an FM station can actually degrade its own service. This occurs when signals from the primary station and the booster arrive at a receiver with relatively equal amplitudes, but different phases, because of unequal path lengths. Due consideration must be given to the engineering aspects of the booster installation to insure that degraded areas are kept to a minimum. This objective can be aided by the judicious choice of a transmitter location to take advantage of terrain shielding, and the selection of a suitable transmitting antenna with the proper directional qualities to provide radiation toward those areas where service is desired and away from areas where interference would occur.

21. *Miscellaneous matters.* Applications filed pursuant to Subpart L of the rules will be subject to the provisions of § 1.70 of the Commission's rules, relating to the location of transmitting apparatus on lands administered by the U.S. Government. Application forms will be revised to provide a section for applicants to indicate compliance with the provisions of that rule.

22. Generally, we have adopted the rules as proposed in the notice of proposed rule making, with the additions and changes indicated in preceding paragraphs of this document. The proposed wording of many of the rules has, however, been altered to conform them, where applicable, to the existing rules for television broadcast translator stations. Such changes have been made, for example, in § 74.1203 of the new rules, which is concerned with interference.

23. We find that it is in the public interest to amend Part 74 of the Commission's rules to add Subpart L authorizing FM broadcast translator stations and FM broadcast booster stations. Accordingly, it is ordered, That, pursuant to authority contained in section 4(i) and section 303 (a) through (g) and (r) of the Communications Act of 1934, as amended, the rule amendments set out below, are adopted, effective November 6, 1970, and that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: September 23, 1970.

Released: September 29, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

PART 0—COMMISSION ORGANIZATION

1. Part 0 of the Commission's rules and regulations is amended as follows:

In § 0.281(a), subparagraph (1) is amended to read as follows:

§ 0.281 Authority delegated.

³ See Footnote 2, supra.

(a) * * *

(1) For construction permits for new or changed standard, FM, noncommercial educational FM, television, television translator, FM translator, FM booster facilities, and UHF television booster facilities, or for modification thereof; for licenses or modification thereof; or for renewal of licenses for such facilities for the normal license term, which applications comply fully with the requirements of the Communications Act and the provisions of this chapter, accord with Commission policy and standards, are not mutually exclusive with any other application, and concerning which no petition to deny pursuant to § 1.580 of this chapter or other substantial objection has been filed.

PART 1—PRACTICE AND PROCEDURE

II. Part 1 of the Commission's rules and regulations is amended as follows:

1. In § 1.526, the introductory text of paragraph (a) is amended to read as follows:

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees, and licensees.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraph (1) of this paragraph, and every permittee or licensee of a station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraphs (1), (2), (3), and (4) of this paragraph: *Provided, however,* That the foregoing requirements shall not apply to applicants for or permittees or licensees of television broadcast translator stations, FM broadcast translator stations, or FM broadcast booster stations. The material to be contained in the file is as follows:

2. In § 1.533(a), subparagraph (8) is amended and a new paragraph (9) is added to read as follows:

§ 1.533 Application forms for authority to construct a new station or make changes in an existing station.

(a) * * *

(8) FCC Form 346 "Application for Authority to Construct or Make Changes in a Television or FM Broadcast Translator Station."

(9) FCC Form 349P "Application for Authority to Construct or Make Changes in an FM Broadcast Booster Station."

3. In § 1.536(b), subparagraph (7) is amended and a new subparagraph (8) is added to read as follows:

§ 1.536 Application for license to cover construction permit.

(b) * * *

(7) FCC Form 347 "Application for Television or FM Broadcast Translator Station License."

(8) FCC Form 349L "Application for FM Broadcast Booster Station License."

4. In § 1.539(d), subparagraphs (7) and (8) are amended to read as follows:

§ 1.539 Application for renewal of license.

(d) * * *

(7) FCC Form 348 "Application for Renewal of Television or FM Broadcast Translator Station License."

(8) FCC Form 349R "Application for Renewal of FM Broadcast Booster Station License."

5. In § 1.573(a), subparagraph (1) is amended to read as follows:

§ 1.573 Processing of FM and noncommercial educational FM broadcast applications.

(a) * * *

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations, i.e., (i) any change in frequency, station location or class of station, and (ii) any change in power, antenna height above average terrain and/or antenna location, if the change or combination of changes results in a change of 50 percent or more in the area within the station's predicted 1 mv/m field strength contour; in the case of FM translator stations authorized under Part 74 of this chapter, it is any change in frequency (output channel), primary station, or authorized principal community or area: *Provided, however,* That the Commission may, within 15 days after the tender for filing of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of § 1.580.

6. In § 1.580, the introductory texts of paragraphs (c), (d), and (g), and paragraph (h) are amended to read as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

(c) Except as otherwise provided in paragraph (e) of this section, an applicant filing any application or an amendment thereto which is subject to the provisions of this section (except for applications for stations in the international broadcast service, television translator stations, FM translator stations, and FM booster stations) shall cause to be published a notice of such filing as follows: Notice shall be published at least twice a week for 2 consecutive weeks within the 3-week period immediately following the tendering for filing of such application or amendment, or at least twice a week for 2 consecutive weeks within the 3-week period immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578, in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided,*

however, That if there is no such daily newspaper published in the community, the notice shall be published as follows:

* * *

(d) If the application seeks modification, assignment or transfer of an operating broadcast station (except for applications for stations in the international broadcast service, television translator stations, FM translator stations and FM booster stations), or is an amendment of an application for renewal of a broadcast station license, the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the tendering for filing of such application, or in the second week immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578. In the case of applications for the renewal of broadcast station licenses, but not amendment thereof, notice shall be broadcast at least once daily on 4 days of any single week starting not more than 45 days prior to the due date for filing the renewal application. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

* * *

(g) An applicant filing an application or an amendment thereto for a television broadcast translator station, an FM broadcast translator station, or an FM broadcast booster station which is subject to this section shall cause to be published a notice of such filing at least once during the 2-week period immediately following the tendering for filing of such application or major amendment, or, when an applicant is specifically advised by the Commission that public notice is required in a particular case pursuant to § 1.572, such notice shall be published at least once during the 2-week period immediately following Commission notification, in a daily, weekly or bi-weekly publication having general circulation in the community or area to be served: *Provided, however,* That, if there is no publication of general circulation in the community or area to be served, the applicant shall determine an appropriate means of providing the required notice to the general public, such as posting in the local post office or other public place. The notice shall state:

* * *

(h) Within 7 days of the last day of publication or broadcast of the notice required by paragraphs (c), (d), or (g) of this section, the applicant shall file a statement with the Commission (in triplicate if filed pursuant to paragraph (c) or (d); original only, if filed pursuant to paragraph (g) of this section, setting forth the dates on which the notice was published, the newspaper in which the notice was published, the text of the notice, and/or, where applicable the dates

and times that the notice was broadcast and the text thereof. When public notice is given by other means, as provided in paragraph (g) of this section, the applicant shall file, within 7 days of the giving of such notice, the text of the notice, the means by which it was accomplished, and the date thereof.

7. In § 1.594, the introductory texts of paragraphs (a), (b), and (f) are amended to read as follows:

§ 1.594 Local notice of designation for hearing.

(a) Except as otherwise provided in paragraph (c) of this section, when an application subject to the provisions of § 1.580 (except for applications in the international broadcast service, for television translator stations, FM translator stations and FM booster stations) is designated for hearing, the applicant shall cause to be published a notice of such designation as follows: Notice shall be published at least twice a week, for 2 consecutive weeks within the 3-week period immediately following release of the Commission's order specifying the time and place of the commencement of the hearing, in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(b) When an application which is subject to the provisions of § 1.580 and which seeks modification, assignment, transfer, or renewal of an operating broadcast station is designated for hearing (except for applications in the international broadcast service, for television translator stations, FM translator stations, and FM booster stations), the applicant shall, in addition to publishing a notice of such designation as provided in paragraph (a) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

(f) When an application for a television broadcast translator station, an FM broadcast translator station, or an FM broadcast booster station which is subject to the provisions of § 1.580 is designated for hearing, the applicant shall cause to be published a notice of such designation as follows: Notice shall be published at least once during the 2-week period immediately following release of the Commission's order specifying the time and

place of the commencement of the hearing in a daily, weekly, or biweekly publication having general circulation in the community or area to be served: *Provided, however,* That, if there is no publication of general circulation in the community or area to be served, the applicant shall determine an appropriate means of providing the required notice to the general public, such as posting in the local post office or other public place. The notice shall state:

8. In § 1.597(a), subparagraph (1) is amended to read as follows:

§ 1.597 Procedures on transfer and assignment applications.

(1) The application involves a translator station or FM booster station only, or an FM station operate for at least 3 years together with a Subsidiary Communications Authorization held for a lesser period; or

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

III. Part 74 of the Commission's rules is amended as follows:

1. In § 74.15, paragraph (c) and the introductory text of paragraph (d) are amended to read as follows:

§ 74.15 License period.

(c) The license of an FM broadcast booster station will be issued for a period running concurrently with the license of the FM radio broadcast station (Primary Station) with which it is used.

(d) Initial licenses for television broadcast translator stations and FM broadcast translator stations will ordinarily be issued for a period running until the date specified in this section for the State or territory in which the station is located or, if issued after such date, to the next triennial renewal date determined in accordance with this section; and, when renewed, will normally be renewed for 3 years; *Provided, however,* That, if the Commission finds that the public interest, convenience or necessity will be served, thereby, it may issue either an initial license or a renewal thereof for a lesser term. The time of expiration of normally issued initial and renewed licenses will be 3 a.m., local time, on the following dates, and at 3-year intervals thereafter:

2. A new Subpart L is added to read as follows:

Subpart L—FM Broadcast Translator Stations and FM Broadcast Booster Stations

DEFINITIONS AND ALLOCATIONS OF FREQUENCIES

Sec.
74.1201 Definitions.
74.1202 Frequency assignment.
74.1203 Interference.

ADMINISTRATIVE PROCEDURE

Sec.
73.1211 Cross reference.
LICENSING POLICIES AND GENERAL OPERATING REQUIREMENTS

74.1231 Purpose and permissible service.
74.1232 Eligibility and licensing requirements.
74.1234 Unattended operation.
74.1235 Power limitations.
74.1236 Emissions and bandwidth.
74.1237 Antenna location.

EQUIPMENT

74.1250 Equipment and installation.
74.1251 Equipment changes.

TECHNICAL OPERATION AND OPERATORS

74.1261 Frequency tolerance.
74.1262 Frequency monitors and measurements.
74.1263 Time of operation.
74.1264 Station inspection.
74.1265 Posting of station license.
74.1266 Operator requirements.
74.1267 Marking and lighting of antenna structures.
74.1268 Additional orders.
74.1269 Copies of rules.

OTHER OPERATING REQUIREMENTS

74.1281 Station records.
74.1283 Station identification.
74.1284 Rebroadcasts.

AUTHORITY: The provisions of this Subpart L issued under sec. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Subpart L—FM Broadcast Translator Stations and FM Broadcast Booster Stations

DEFINITIONS AND ALLOCATIONS OF FREQUENCIES

§ 74.1201 Definitions.

(a) *FM translator.* A station in the broadcasting service operated for the purpose of retransmitting the signals of an FM radio broadcast station or another FM broadcast translator station by means of direct frequency conversion and amplification of the incoming signals without significantly altering any characteristics of the incoming signal other than its frequency and amplitude, in order to provide FM broadcast service to the general public.

(b) *Commercial FM translator.* An FM broadcast translator station which rebroadcasts the signals of a commercial FM radio broadcast station.

(c) *Noncommercial FM translator.* An FM broadcast translator station which rebroadcasts the signals of a noncommercial educational FM radio broadcast station.

(d) *Primary station.* The FM radio broadcast station radiating the signals which are retransmitted by an FM broadcast translator station or an FM broadcast booster station.

(e) *FM radio broadcast station.* When used in this Subpart L, the term FM broadcast station or FM radio broadcast station refers to commercial and noncommercial educational FM radio broadcast stations as defined in § 2.1 of this chapter, unless the context indicates otherwise.

(f) *FM broadcast booster station.* A station in the broadcasting service operated for the sole purpose of retransmitting the signals of an FM radio broadcast station by amplifying and reradiating such signals which have been received directly through space from the FM radio broadcast station, without significantly altering any characteristic of the incoming signal other than its amplitude.

§ 74.1202 Frequency assignment.

(a) An applicant for a new FM broadcast translator station or for changes in the facilities of an authorized translator station shall endeavor to select a channel on which its operation is not likely to cause interference to the reception of other stations. The application must be specific with regard to the frequency requested. Only one output channel will be assigned to each translator station.

(b) Subject to compliance with all the requirements of this subpart, FM broadcast translators may be authorized to operate on the following FM channels regardless of whether they are assigned for local use in the FM Table of Assignments (§ 73.202(b) of this chapter):

(1) Commercial FM translators: Class A channels so designated in § 73.206(a) of this chapter;

(2) Noncommercial FM translators: The channels available for noncommercial use under § 73.501 of this chapter;

(3) Channels 201-260 (88.1 MHz through 99.9 MHz) are allocated for government radio services and nongovernment fixed service in Alaska and these frequencies will not be assigned for use by FM translators in Alaska. Channels 251 through 300 (98.1 MHz through 107.9 MHz) are allocated for nonbroadcast use in Hawaii and these frequencies will not be assigned for use by FM translators in Hawaii.

(c) No minimum distance separation between FM translators operating on the same channel is specified. However, assignments which will obviously result in mutual interference between translators will not be made.

(d) Adjacent channel assignments will not be made to FM translators intended to serve all or part of the same area.

(e) An FM broadcast booster station will be assigned the channel assigned to its primary station.

§ 74.1203 Interference.

(a) FM translators will be authorized and permitted to continue to operate only where they cause no interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station. FM translators shall not cause harmful interference to the transmissions of any other authorized radio station nor shall an FM translator cause interference to reception by a television broadcast translator station of its input signals. FM translator stations which may cause any such interference will not be authorized.

(b) Interference will be considered to occur whenever reception of a regularly used off-the-air signal by viewers or

listeners is impaired by the signals radiated by the translator, regardless of the quality of such reception, the strength of the signals so used, or the channel on which the protected signal is transmitted.

(c) If interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending translator shall be immediately suspended and shall not be resumed until the interference has been eliminated. Short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures. If a complainant refuses to permit the translator licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment to the original reception, the licensee of the translator is absolved of further responsibility.

(d) It shall be the responsibility of the licensee of an FM translator station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee or operator that such interference is being caused, the operation of the translator station shall be immediately suspended and shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the FM translator station; *Provided, however,* That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

ADMINISTRATIVE PROCEDURE

§ 74.1211 Cross reference.

See §§ 74.11 to 74.16.

LICENSING POLICIES AND GENERAL OPERATING REQUIREMENTS

§ 74.1231 Purpose and permissible service.

(a) FM translators provide a means whereby the signals of FM broadcast stations may be retransmitted to areas in which direct reception of such FM broadcast stations is unsatisfactory due to distance or intervening terrain barriers.

(b) Except as provided in paragraphs (f) and (g) of this section, an FM translator may be used only for the purpose of retransmitting the signals of an FM broadcast station or another FM translator station which have been received directly through space, converted, and suitably amplified.

(c) The transmissions of each FM translator shall be intended for direct reception by the general public and any other use shall be incidental thereto. An FM translator shall not be operated solely for the purpose of relaying signals to one or more fixed received points for retransmission, distribution, or further relaying.

(d) The technical characteristics of the retransmitted signals shall not be deliberately altered so as to hinder reception on conventional FM broadcast receivers.

(e) An FM translator shall not deliberately retransmit the signals of any station other than the station it is authorized by license to retransmit. Precautions shall be taken to avoid unintentional retransmission of such other signals.

(f) A locally generated radio frequency signal similar to that of an FM broadcast station and modulated with aural information may be connected to the input terminals of an FM translator for the purpose of transmitting voice announcements. The radiofrequency signals shall be on the same channel as the normally used off-the-air signal being rebroadcast and the duration of such transmissions shall not exceed 20 seconds at intervals of no less than one hour. Connection of the locally generated signals shall be made automatically by means of a time-switch. The switching device shall be so designed that the translator input circuit will be returned to the off-the-air signal within 20 seconds. The apparatus used to generate the local signal that is used to modulate the FM translator must be capable of producing an aural signal which will provide acceptable reception on FM receivers designed for the transmission standards employed by FM broadcast stations. Before commencing operations authorized in this paragraph, the licensee of the translator shall furnish to the Commission a statement identifying the type-accepted transmitting apparatus proposed to be used for such local originations.

(g) The aural material transmitted as permitted in paragraph (f) of this section shall be limited to seeking or acknowledging financial support deemed necessary to the continued operation of the translator. Accordingly, such originations are limited to the solicitation of contributions toward defrayal of the costs of installation, operation, and maintenance of the translator or acknowledgments of financial support for those purposes. Such acknowledgments may include identification of the contributors, the size or nature of the contributions and advertising messages of contributors.

(h) FM broadcast booster stations provide a means whereby the licensee of an FM radio broadcast station may provide service to areas of low signal intensity in any region within the primary station's predicted 1 mv/m field strength contour. An FM broadcast booster station is authorized to retransmit only the signals of its primary station; it shall not retransmit the signals of any other station nor make independent transmissions; *Provided, however,* That locally generated signals may be used to excite the booster apparatus for the purpose of conducting tests and measurements essential to the proper installation and maintenance of the apparatus.

NOTE: In the case of an FM broadcast station authorized with facilities in excess of those specified by § 73.211 of this chapter, an FM booster station will only be authorized within the 1 mv/m contour as predicted on the basis of the maximum powers and heights set forth in that section for the

applicable class of FM radio broadcast station concerned.

(i) The transmissions of an FM broadcast booster station shall be intended for direct reception by the general public. Such stations will not be authorized to establish a point-to-point FM radio relay system.

§ 74.1232 Eligibility and licensing requirements.

(a) Subject to the restrictions set forth in paragraph (d) of this section, a license for an FM broadcast translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body, upon an appropriate showing that plans for financing the installation and operation of the translator are sufficiently sound to assure prompt construction of the translator and dependable service.

(b) More than one FM translator may be licensed to the same applicant, whether or not such translators serve substantially the same area, upon an appropriate showing of need for such additional stations. FM translators are not counted as FM stations for the purposes of § 73.240 of this chapter, concerning multiple ownership.

(c) Only one input and one output channel will be assigned to each FM translator. Additional FM translators may be authorized to provide additional reception. A separate application is required for each FM translator and each application shall be complete in all respects.

(d) An authorization for a commercial FM translator which is intended to provide reception to places which are beyond the predicted 1 mv/m field strength contour of the primary station and within the predicted 1 mv/m field strength contour of another commercial FM radio broadcast station assigned to a different principal community will not be granted to:

(1) The licensee or permittee of an FM radio broadcast station, or

(2) An applicant who receives from such FM radio broadcast station licensee or permittee or from any person associated therewith, directly or indirectly, any financial support or contribution toward the costs incurred up to the time such translator commences operation.

NOTE 1: The 1 mv/m field strength contour of an FM radio broadcast station, for the purposes of this subpart, shall be the contour as predicted in accordance with § 73.313 (a) through (d) of this chapter. See Note, § 74.1231(h).

NOTE 2: Financial support prohibited in paragraph (d) includes only support for the preparation, filing and prosecution of applications for new FM translators, for the acquisition and installation of transmitting and other apparatus employed by such FM translators, and for the defrayal of any other costs necessary to placing such FM translators in operation. Paragraph (d) thus will not bar or limit contributions or support, by any station licensee or permittee or any person associated therewith, for the operation or maintenance of an FM translator, whether such support is provided in the form of fi-

ancial contributions or by providing operation or maintenance services or advice.

(e) An FM broadcast booster station will be authorized only to the licensee or permittee of the FM radio broadcast station whose signals the booster station will retransmit, to serve areas within the predicted 1 mv/m field strength contour of the primary station, subject to Note, § 74.1231(h).

(f) No numerical limit is placed upon the number of FM booster stations which may be licensed to a single licensee. A separate application is required for each FM booster station. FM broadcast booster stations are not counted as FM broadcast stations for the purposes of § 73.240 of this chapter, concerning multiple ownership.

(g) Each application for an FM broadcast booster station shall include a statement concerning the steps which have been taken in the design and location of the equipment to insure that areas of service from the primary FM station will not be degraded by operation of the FM booster station.

§ 74.1234 Unattended operation.

(a) A station authorized under this subpart may be operated without a licensed radio operator in attendance if the following requirements are met:

(1) If the transmitter site cannot be reached promptly at all hours and in all seasons, means shall be provided so that the transmitting apparatus can be turned on and off at will from a point which is readily accessible at all hours and in all seasons.

(2) The transmitter shall also be equipped with suitable automatic circuits which will place it in a nonradiating condition in the absence of a signal on the input channel.

(3) The on-and-off control (if at a location other than the transmitter site) and the transmitting apparatus, shall be adequately protected against tampering by unauthorized persons.

(4) The Commission shall be supplied with the name, address, and telephone number of a person or persons who may be contacted to secure prompt suspension of operation of the transmitter should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.

(5) Where the antenna and supporting structure are required to be painted and lighted under the provisions of Part 17 of this chapter, the licensee shall make suitable arrangements for the daily inspection and logging of the obstruction lighting and associated control equipment as required by §§ 17.47, 17.48, and 17.49 of this chapter.

(b) An application for authority to construct a new station pursuant to this subpart or to make changes in the facilities of such a station, which proposes unattended operation shall include an adequate showing as to the manner of compliance with this section.

(c) Unless the applicant specifically requests unattended operation and makes the showing required by paragraph (b) of this section, a licensed radio operator meeting the requirements of § 74.1266

shall be on duty at the transmitter site whenever the station is operated.

§ 74.1235 Power limitations.

(a) The power output of the final radiofrequency amplifier of a station authorized under this subpart shall not exceed 10 watts, except that FM broadcast translator stations serving areas east of the Mississippi River or in Zone I-A shall be limited to 1 watt. This power may be fed into a single transmitting antenna or may be divided between two or more transmitting antennas or antenna arrays in any manner found useful or desirable by the licensee. In individual cases, the Commission may authorize the use of more than one final radio frequency amplifier at a single station under the following conditions:

(1) Each such amplifier shall be used to serve a different community or area. More than one final radiofrequency amplifier will not be authorized to provide service to all or a part of the same community or area.

(2) Each final radiofrequency amplifier shall feed a separate transmitting antenna or antenna array. The transmitting antennas or antenna arrays shall be so designed and installed that the outputs of the separate radiofrequency amplifiers will not combine to reinforce the signals radiated by the separate antennas or otherwise achieve the effect of radiated power in any direction in excess of that which could be obtained with a single antenna of the same design fed by a radiofrequency amplifier with power output no greater than that authorized pursuant to this paragraph.

NOTE: The provisions of §§ 74.1235(a) (1) and (2) will not apply to 1-watt stations serving areas west of the Mississippi River outside of Zone I-A. See § 73.205(b) of this chapter.

(3) Stations authorized under this subpart employing multiple radiofrequency amplifiers will be licensed as a single station.

(4) No limit is placed upon the effective radiated power which may be obtained by the use of horizontally or vertically directive transmitting antennas.

(b) In no event shall a station authorized under this subpart be operated with a power output in excess of the transmitter type-accepted rating.

§ 74.1236 Emissions and bandwidth.

(a) The license of a station authorized under this subpart authorizes the transmission of either F3 or F9 emission (frequency modulation).

(b) Standard width FM channels will be assigned and the transmitting apparatus shall be operated so as to limit spurious emissions to the lowest practicable value. Any emissions including intermodulation products and radiofrequency harmonics which are not essential for the transmission of the desired aural information shall be considered to be spurious emissions.

(c) The power of emissions appearing outside the assigned channel shall be attenuated below the total power of the emission as follows:

Distance of emission from center frequency:	Minimum attenuation below unmodulated carrier
120 to 240 kHz.....	25 db
over 240 and up to 600 kHz.....	35 db
over 600 kHz.....	60 db

(d) Greater attenuation than that specified in paragraph (c) of this section may be required if interference results outside the assigned channel.

§ 74.1237 Antenna location.

(a) An applicant for a new station to be authorized under this subpart or for a change in the facilities of such a station shall endeavor to select a site which will provide a line-of-sight transmission path to the entire area intended to be served and at which there is available a suitable signal from the primary station. The transmitting antenna should be placed above growing vegetation and trees lying in the direction of the area intended to be served, to minimize the possibility of signal absorption by foliage.

(b) Consideration should be given to accessibility of the site at all seasons of the year and to the availability of facilities for the maintenance and operation of the FM translator.

(c) Consideration should be given to the existence of strong radiofrequency fields from other transmitters at the translator site and the possibility that such fields may result in the retransmission of signals originating on frequencies other than that of the primary station.

(d) The transmitting antenna of an FM broadcast booster station shall be located within the predicted 1 mv/m field strength contour of its primary station, subject to note, § 74.1231(h).

EQUIPMENT

§ 74.1250 Equipment and installation.

(a) Applications for new stations authorized under this subpart or for changes in the facilities of existing stations will not be accepted for filing unless the transmitting apparatus to be employed is type accepted.

(b) Transmitting antennas, antennas used to receive signals to be rebroadcast, and transmission lines are not subject to the requirement for type acceptance.

(c) The following requirements must be met before translator or booster equipment will be type accepted by the Commission:

(1) The frequency converter and associated amplifiers of an FM translator shall be so designed that the electrical characteristics of a standard FM signal, including stereophonic subchannel, introduced into the input terminals will not be significantly altered by passage through the apparatus except as to frequency and amplitude. The overall frequency response of the apparatus within its assigned channel when operating at its rated power output and measured at the output terminals, shall provide a smooth curve, varying within limits separated by no more than 3 decibels.

(2) Radiofrequency harmonics of the output carrier frequency measured at the output terminals of the transmitter,

shall be attenuated at least 60 decibels below the fundamental output carrier level. All other emissions appearing outside the assigned channel shall conform with the specifications set forth in § 74.1236(c).

(3) The local oscillator or oscillators employed in the translator equipment shall, when subjected to variations in ambient temperature between minus 30° and plus 50° centigrade and in primary supply voltage between 85 percent and 115 percent of the rated value, be sufficiently stable to maintain the output carrier frequency of the translator within plus or minus 0.005 percent of its assigned frequency, assuming zero variation of the received primary station signal from its assigned frequency.

(4) The apparatus shall contain automatic circuits which will maintain the power output constant within 2 decibels when the level of the signal at the input terminals is varied over a range of 40 decibels and which will not permit power output to exceed the maximum rated power output under any condition. If a manual adjustment is provided to compensate for different average signals levels, provision shall be made for determining the proper setting for the control and if improper adjustment of the control could result in improper operations, a label shall be affixed at the adjustment control bearing a suitable warning.

(5) The apparatus shall be equipped with automatic controls which will place it in a nonradiating condition when no signal is being received on the input channel, either due to absence of a transmitter signal or failure of the receiving portion of the translator or booster. The automatic control may include a time delay feature to prevent interruptions in the operation of the station caused by fading or other momentary failures of the incoming signal.

(6) The amplifying devices employed in the final radiofrequency amplifier shall be of the appropriate power rating to provide the rated power output of the translator or booster. The normal operating constants for operation at the rated power output shall be specified. The apparatus shall be equipped with suitable meters or meter jacks so that appropriate voltage and current measurements may be made while the apparatus is in operation.

(7) Transmitters of FM broadcast translator stations of more than 1 watt transmitter output power shall be equipped with an automatic keying device which will transmit the call sign assigned to the station, in International Morse Code, at least once each 30 minutes during the time the station is in operation unless there is in effect a firm arrangement with the station's primary station as provided in § 74.1283(c)(1). Transmission of the call sign can be accomplished in either of the following ways:

(i) By frequency shift keying; the carrier shift shall not be less than 5 kilohertz nor greater than 25 kilohertz;

(ii) By amplitude modulation of the FM carrier of at least 30 percent modu-

lation. The audio frequency tone used shall not be within 200 hertz of the 1,000 hertz tone used for Emergency Broadcast System Alerting.

NOTE: The National Industry Advisory Committee (NIAC) has under study for the Commission an alerting system using the frequencies 853 and 960 hertz per second. Pending resolution of this study, audio frequency tones for identification purposes within 200 hertz of those frequencies shall not be used.

(8) Wiring, shielding, and construction shall be in accordance with accepted principles of good engineering practice.

(d) The exciter employed to provide a locally generated and modulated input signal to the translator pursuant to § 74.1231(f) shall be type accepted and shall meet the following specifications for type acceptance by the Commission:

(1) The local oscillator or oscillators employed in the exciter, when subjected to variations in ambient temperature between minus 30° and plus 50° centigrade, and in primary supply voltage between 85 percent and 115 percent of the rated value, shall be sufficiently stable to maintain the output center frequency of the exciter within plus or minus 0.005 percent of the frequency assigned to the primary station.

(2) Automatic means shall be provided for limiting the level of the audio frequency voltage applied to the modulator to insure that a frequency swing in excess of 75 kHz will not occur under any condition of modulation.

(3) Wiring, shielding, and construction shall be in accordance with accepted principles of good engineering practice.

(e) Type acceptance will be granted only upon a satisfactory showing that the apparatus is capable of meeting the requirements of paragraphs (c) and (d) of this section. The following procedures shall apply:

(1) Any manufacturer of apparatus intended for use by a station authorized under this subpart may request type acceptance by following the procedures set forth in Part 2, Subpart F, of this chapter. Equipment found to be acceptable by the Commission will be listed in the "Radio Equipment List" published by the Commission. These lists are available for inspection at any Field Office of the Commission and at the Washington, D.C., offices of the Commission.

(2) Apparatus for use by stations authorized under this subpart which has been type accepted by the Commission will normally be authorized without additional measurements by the applicant.

(3) Other rules concerning type acceptance, including information regarding withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based, are set forth in Part 2, Subpart F, of this chapter.

(f) The installation of an FM translator or booster station employing type accepted apparatus may be made by a person with sufficient technical knowledge and skill to correctly follow the manufacturer's instructions.

(g) Simple repairs such as the replacement of tubes, fuses, or other plug-in components and the adjustment of noncritical circuits which require no particular technical skill may be made by an unskilled person. Repairs which require the replacement of attached components, adjustment of critical circuits, or technical measurements, shall be made only by a person with the knowledge and skill to perform such tasks.

(h) Any tests or adjustments which require the radiation of signals for their completion and which could result in improper operation of the apparatus, shall be made by or under the immediate supervision of a licensed first or second class radiotelephone operator.

(i) The transmitting antenna may be designed to produce either horizontal or vertical polarization.

§ 74.1251 Equipment changes.

(a) No change, either mechanical or electrical, except as provided in § 2.584 of this chapter, may be made in FM translator or booster apparatus which has been type accepted by the Commission without prior authority of the Commission.

(b) Formal application is required for any of the following changes, to be made on FCC Form 346 in the case of FM broadcast translator stations and on FCC Form 349P in the case of FM broadcast booster stations:

(1) Replacement of the translator or booster as a whole except in those cases where the replacement is an identical translator or booster or is a translator or booster of identical power rating and is listed in the Commission's "Radio Equipment List." The Commission's office in Washington, D.C., and the Engineer in Charge of the radio district in which the translator or booster is located shall be promptly notified of translator or booster replacement made without formal authorization pursuant to the exceptions of this paragraph, giving the manufacturer's name and type number of the new translator or booster, together with a statement certifying that the new installation is operating in accordance with the Commission's rules and the terms of the license or construction permit.

(2) A change in the transmitting antenna system, including the direction of radiation or directive antenna pattern.

(3) Any change in the overall height of the antenna structure except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(4) Any change in the location of the translator or booster except a move within the same building or upon the same pole or tower.

(5) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet or (ii) would require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

(6) Any change of input or output frequency of a translator.

(7) Any change of primary station of a translator.

(8) Any change of authorized transmitter operating power output.

(9) Any change in authorized principal community or area being served.

(c) Other equipment changes not specifically referred to above may be made at the discretion of the licensee: *Provided*, That the Engineer in Charge of the radio district in which the translator or booster is located and the Commission's Washington, D.C., office are notified in writing upon completion of such changes: *And provided further*, That the changes are appropriately reflected in the next application for renewal of license of the FM translator or booster station.

TECHNICAL OPERATION AND OPERATORS

§ 74.1261 Frequency tolerance.

The licensee of an FM translator station shall maintain the center frequency at the output of the translator within 0.01 percent of its assigned frequency. The output frequency of an FM booster station shall be the exact frequency of its primary station.

§ 74.1262 Frequency monitors and measurements.

(a) The licensee of a station authorized under this subpart is not required to provide means for measuring the operating frequency of the transmitter. However, only equipment having the required stability will be approved for use by an FM translator or booster.

(b) In the event that a station authorized under this subpart is found to be operating beyond the frequency tolerance prescribed in § 74.1261, the licensee shall promptly suspend operation of the station and shall not resume operation until the station has been restored to its assigned frequency. Adjustment of the frequency determining circuits of an FM translator or booster shall be made by a qualified person in accordance with § 74.1250(g).

§ 74.1263 Time of operation.

(a) An FM translator is not required to adhere to any regular schedule of operation. However, the licensee of an FM translator is expected to provide a dependable service to the extent that such is within its control and to avoid unwarranted interruptions to the service provided.

(b) If an FM translator station is inoperative for 10 days or more, the licensee shall notify the Engineer in Charge of the radio district in which the station is located promptly, in writing, describing the cause of the inoperation and the steps being taken to place the translator in operation again and shall notify the Engineer in Charge promptly when operation is resumed.

(c) Failure of an FM translator to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the translator will be cancelled.

(d) An FM translator shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted.

§ 74.1264 Station inspection.

The licensee of a station authorized under this subpart shall make the station and the records required to be kept by the rules in this subpart available for inspection by representatives of the Commission.

§ 74.1265 Posting of station license.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the station or the manner of operation shall be kept in the station record file maintained by the licensee so as to be available for inspection upon request to any authorized representative of the Commission.

(b) The call sign of the station, together with the name, address, and telephone number of the licensee or local representative of the licensee if the licensee does not reside in the community served by the station, shall be displayed at the transmitter site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee.

§ 74.1266 Operator requirements.

(a) An operator holding a valid restricted radiotelephone operator permit shall observe the operation of a station authorized under this subpart by obtaining reception of its transmissions as frequently as may be necessary to assure proper operation, but in any event within 1 hour of the time the primary station commences operation or at 8 a.m., whichever is later, and thereafter at intervals of not more than 6 hours. Except as necessary in case of malfunction of the station, such observations need not be made between 10 p.m. and 8 a.m. the following day.

(b) In the event of malfunction, or upon notice by the Commission, the operator shall immediately cause the operation of the station to cease until the malfunction is corrected or until the conditions requiring suspension of operation are corrected.

§ 74.1267 Marking and lighting of antenna structures.

The marking and lighting of antenna structures employed by stations licensed under this subpart, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the conditions under which marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 74.1268 Additional orders.

In cases where the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 74.1269 Copies of rules.

The licensee or permittee of a station authorized under this subpart shall have a current copy of Volumes I and III of the Commission's rules and shall make the same available for use by the operator in charge. Each such licensee or permittee shall be familiar with those rules relating to stations authorized under this subpart. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

OTHER OPERATING REQUIREMENTS

§ 74.1281 Station records.

(a) The licensee of a station authorized under this subpart shall maintain adequate station records, including the current instrument of authorization, official correspondence with the Commission, maintenance records, contracts, permissions for rebroadcast, and other pertinent documents.

(b) The records to be maintained where an antenna structure is required to be marked or lighted shall be governed by the provisions of § 17.49 of this chapter.

(c) The station records shall be made available upon request to any authorized representatives of the Commission.

(d) Station records shall be retained for a period of 2 years.

§ 74.1283 Station identification.

(a) Every station authorized under this subpart with transmitter output power of more than 1 watt shall be identified in accordance with the provisions of this section. Stations with transmitter output power of 1 watt or less need not be identified.

(b) FM broadcast booster stations shall be identified by their primary stations by the broadcasting by the primary station of the call letters and location, in accordance with the provisions of § 73.287 of this chapter.

(c) FM broadcast translator stations with transmitter output power of more than 1 watt shall be identified by one of the methods prescribed herein:

(1) The licensee or permittee of such station may make arrangements with the licensee of its primary station for the broadcast by the primary station of the call letters and location of the translator station. Identification in this manner is to be accomplished three times each day: Once between the hours of 7 and 9 a.m., unless the primary station's broadcast day begins after 9 a.m., in which case identification will be made at the beginning of its broadcast day and at the other times specified herein; once between 12:55 p.m. and 1:05 p.m.; and once between the hours of 4 and 6 p.m. Arrangements will be made so that the licensee of the primary station will keep on record, and make available to any responsible person the call letters and location of each translator station rebroadcasting its signals, with the name, address, and telephone number of the licensee or the person designated to be contacted in case of malfunction of the translator. It shall be the responsibility of the translator licensee to furnish current

information in this respect to the primary station.

(2) Where the licensee or permittee of an FM translator station has not made arrangements for station identification in accordance with subparagraph (1) of this paragraph, such FM translator station shall transmit its call sign in International Morse Code at least once each 30 minutes during the time the station is in operation. The transmission may be accomplished by means of an automatic device as required by § 74.1250(c)(7). Call sign transmission shall be made at a code speed not in excess of 20 words per minute. At this speed, the transmission of each individual call sign will require approximately 4 seconds.

(d) The Commission may, in its discretion, specify other methods of identification.

(e) The call sign of an FM broadcast translator station will consist of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally conform to the pattern used in the broadcast service. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered.

§ 74.1284 Rebroadcasts.

(a) The term "rebroadcast" means the reception by radio of the programs or other signals of a radio station and the simultaneous retransmission of such programs or signals for direct reception by the general public.

(b) The licensee of an FM translator shall not rebroadcast the programs of any FM broadcast station or other FM translator without obtaining prior consent of the primary station whose programs are proposed to be retransmitted. The Commission shall be notified of the call letters of each station rebroadcast and the licensee of the FM translator shall certify that written consent has been received from the licensee of the station whose programs are retransmitted.

(c) An FM translator is not authorized to rebroadcast the transmissions of any class of station other than an FM broadcast station or another FM translator.

[P.R. Doc. 70-13194; Filed, Oct. 1, 1970; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

Park-Use Permit System for Public Gatherings

By notice of proposed rule making published in the FEDERAL REGISTER, July 17, 1970 (35 F.R. 11485), it was proposed to

amend Title 36, Code of Federal Regulations, to provide a park-use permit system for public gatherings in National Park Service areas administered by National Capital Parks, National Park Service, located in the District of Columbia and its environs.

Interested persons were invited to submit written comments, suggestions, or recommendations on the proposed regulations to the Superintendent, National Capital Parks, National Park Service, Washington, D.C. Interested persons were also invited to include in their written submissions such views as they desired to present to the Secretary of the Interior relative to the desirability of having an opportunity to present their views orally before an official of the Department to be designated for this purpose.

None of the written submissions commenting upon the proposed revision contained a request for oral presentation of views.

The written comments and suggestions received were given due consideration, and the following changes have been made: The definition of "public gathering" is clarified by adding the specification that the term include gatherings for entertainment purposes. Paragraph (b) is revised to make it clear that "NPS events" may be sanctioned in all park areas, including the White House area. Paragraph (e)(1) is revised to require 48-hour notice for permit applications for all public gatherings in the White House area instead of the proposed rule which would have required applications for public gatherings of 100 or more persons in the White House area to be filed 7 days in advance.

The revised regulations as set forth below shall become effective 30 days after the date of their publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 1, et seq.)

Dated: September 30, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

Section 50.19 is revised to read as follows:

§ 50.19 Public gatherings.

(a) Definitions:

(1) The term "public gatherings" includes, but is not limited to, demonstrations, picketing, speechmaking, holding of vigils, parades, ceremonies, meetings, entertainment and all other forms of public assembly.

(2) The term "White House area" means all park areas, including sidewalks adjacent thereto, within these bounds: on the south, Constitution Avenue NW.; on the north, H Street NW.; on the east, 15th Street NW.; and on the west, 17th Street NW.

(3) The term "White House sidewalk" means the south sidewalk of Pennsylvania Avenue NW., between East and West Executive Avenues NW.

(4) The term "park areas" shall include all areas, including sidewalks adjacent thereto, other than the White House area, administered by National Capital Parks of the National Park Service.