

tariff(s) upon the 30 days notice required for any new service (see § 531.3 (f)).

§ 531.18 Applications for special permission.

(a) Upon a showing of good cause, the Commission may permit rate changes or the issuance of new or initial rates to take effect on short notice, and otherwise waive the requirements of this Part.

(1) Special permission requests for authority to correct typographical errors must specify the error involved, include a full statement of the attending circumstances, and be presented with reasonable promptness after issuance of the defective tariff publication.

(2) Other special permission requests shall state the specific rules from which relief is requested, the special circumstances requiring relief, and the beneficial results to be obtained from the requested waiver.

(b) Special permission authority shall not be granted to:

(1) allow a carrier to change rates or other tariff provisions on less than full notice for the purpose of meeting competition, where the competitor in question altered its rates/provisions on full notice.

(2) modify a formal order of the Commission; such modifications may be accomplished only by petitioning the Commission.

(c) Authority granted by special permission must be used in its entirety and only in the manner set forth in such special permission.

(d) Special permission authority must be applied for by the same person that filed the tariff publication for which special permission is sought.

(e) In addition to the information required by subparagraph (a) of this section, an application for special permission shall contain:

(1) An exact copy of the tariff matter the applicant proposes to file, clearly designated as an exhibit to the application, but otherwise in the form required by the rules of this Part. If the proposed amendment consists of rate changes, all points of origin and destination must be stated in the application if not otherwise included in the exhibit.

(2) Tariff series and number designations (including supplements, if applicable) and all cancellations which would be made must be shown.

(3) The names of carriers known to maintain provisions competitive to those for which the applicant seeks relief and a certification signed by the filing party that all such carriers have been served with a copy of the special permission application. Service by first class mail, postpaid, correctly addressed to the intended recipient's principal place of business, and posted no later than the date of filing, is acceptable where personal service is impractical.

(4) The entire application shall be signed and its accuracy sworn to by the filing party at a place within the United States, its commonwealths, territories, or possessions, pursuant to 28 U.S.C. 1746

(Pub. L. 94-550). Immediately following the text of the application and immediately preceding the signature of the filing party, there shall appear the statement:

I declare under penalty of perjury that the foregoing is true and correct. Executed at _____ on _____
(insert place of execution) (insert date of execution).

(f) Special permission applications (including attachments) thereto shall be filed in duplicate.

(g) Special permission applications shall be filed in substantially complete form at least five working days prior to the effective date of the proposed tariff filing. *Provided*, That petitions for waiver of this requirement may be granted if they are sworn to in the manner of subparagraph (e)(3) of this section and demonstrate that a genuine emergency justifying a shorter notice period exists.

(h) The Commission may, upon the application of interested persons, or upon its own motion, establish or rescind special permission authorities as it sees fit.

(i) Tariff publications filed pursuant to a grant of special permission shall publish the following notation at the bottom of each page of such publication (at the bottom of the first page only in the case of supplements):

Published under authority of Federal Maritime Commission Special Permission No. _____

§ 531.19 Special rules for bound tariffs filed pursuant to special permission authority.

(a) Such bound tariffs as may be permitted to be filed by special permission are subject to these rules in addition to those other rules in the Part which govern tariff filing generally.

(b) All pages of bound tariffs shall be firmly and permanently fastened together on the left edge by an appropriate binding method. The simple insertion of one or two staples in the binding edge shall not suffice to meet this requirement, but the binding process known as saddle stitching is acceptable.

(c) Section 531.4(a) of this Part is waived to the extent it requires bound tariff pages to be printed on only one side.

(d) Section 531.4(g) of the Part is waived to the extent it requires an effective date to be published on pages other than the title page of a bound tariff.

(e) Section 531.5(a) and Section 531.11 of this Part are waived to the extent they require the title page of a bound tariff to reflect all supplements either issued or in effect.

(f) Supplements shall be the only method of amending bound tariffs. In addition to the requirements of section 531.11, the following shall apply to bound tariff supplements:

(1) They shall refer specifically to the page and item designation of the tariff/supplement item to be amended;

(2) Amendments to a numbered or otherwise designated item must publish the amended item in its entirety;

(3) Amendments to items shall bear the same designation as the item being amended, with a consecutive letter suffix, and shall show the cancellation of the prior item edition, e.g., Item 10-A cancels Item 10; Item 10-B cancels Item 10-A, etc.

FOOTNOTES

¹ TMT's Comments were filed over 30 days late and were accompanied by a "Motion for Leave to File" which failed to state reasonable grounds for waiving the filing deadline as required by section 502.102 of the Commission's Rules. Accordingly, TMT's motion will be denied and only its Reply Comments considered by the Commission.

² Certain items initially appearing in section 531.0 which pertained to the substantive content of tariffs were placed in final section 531.3(p).

³ To more clearly distinguish interstate commerce subject to the Shipping Act from interstate commerce subject to the Interstate Commerce Act, the Commission has adopted the term "domestic offshore commerce" to refer to the former. See final section 531.2(h).

⁴ Appropriate editorial changes were made in final section 531.8 to conform it to the modified definition of "through intermodal transportation" contained in final section 531.2(u). See also Items 8 and 10, *infra*.

⁵ Not all government or charity shipments fall within this relatively narrow category.

⁶ Final section 531.6(m)(5) states that a project rate must contribute to the carrier's fixed expenses, but does not prescribe an exact percentage or standard for measuring this contribution. Proposed rates will be examined on a case-by-case basis to determine if a genuine, commercially realistic contribution is being made.

⁷ 49 U.S.C. 902(1)(3)(B).

[FR Doc. 77-29591 Filed 10-7-77; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-675]

Part 0—COMMISSION ORGANIZATION

Designating and Establishing the New Compliance and Litigation Task Force of the Common Carrier Bureau

AGENCY: Federal Communications Commission.

ACTION: Amendment of rules.

SUMMARY: The purpose of this amendment is to change the rules to reflect the establishment of the Compliance and Litigation Task Force within the Common Carrier Bureau.

EFFECTIVE DATE: October 18, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

H. Walker Feaster, III, Office of Executive Director, 632-7513.

SUPPLEMENTARY INFORMATION:

Adopted: September 15, 1977.

Released: October 7, 1977.

Order. In the matter of amendment of Part 0 Subpart A of the Commission's Rules and Regulations concerning Orga-

nization of the Commission and the Common Carrier Bureau.

1. On September 15, 1977, the Commission approved the establishment of the Compliance and Litigation Task Force within the Common Carrier Bureau to coordinate the review of major tariff filings, and cost of service studies filed pursuant to recent Commission ratemaking decisions. These filings and studies are of such a precedential nature and complexity that it appears appropriate to establish a separate organizational unit reporting directly to the Bureau Chief.

2. This Order is issued to designate and establish the new Compliance and Litigation Task Force.

3. Because this amendment relates to internal Commission organization and practice, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C., 533 do not apply.

4. Authority for the amendment adopted herein is contained in sections 4(i) and 5(b) of the Communications Act as amended.

5. Accordingly, it is ordered, That effective October 18, 1977, Part 0 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In § 0.92, paragraph (i) is added to read as follows:

§ 0.92 Units in the Bureau.

(i) Compliance and Litigation Task Force.

2. In § 0.101 the headnote and text are amended to read as follows:

§ 0.101 Compliance and Litigation Task Force.

Responsible for coordinating the review of major tariffs filed pursuant to the direction and guidelines established in:

- Docket No. 18128—Private Line Services.
- Docket No. 19129—Message Telecommunications Services (MTS).
- Docket No. 19989—Wide Area Telecommunications Services (WATS).
- Docket No. 20097—Regulatory Policies Concerning Resale and Shared Use of Common Carrier Services and Facilities.
- Docket No. 20288—Dataphone Digital Service (DDS).

Other tariff filings assigned to it by the Chief, Common Carrier Bureau. Members of the Task Force also serve as the nucleus of, or as a special separated trial staff in the event any issues are designated for hearing. The Compliance and Litigation Task Force will:

(a) Coordinate the review of new and revised tariff schedules filed pursuant to Commission direction and guidelines to determine whether the charges, practices, classifications, and regulations contained therein are lawful, just, reasonable, and not unduly discriminatory.

(b) Recommend appropriate action on tariffs including acceptance, rejection or suspension, or designation for hearing.

(c) Define issues, conduct preliminary fact-finding studies, and prepare necessary orders.

(d) Serve as the nucleus of, or as separated trial staff for issues designated for hearing.

(1) Prepare cases for trial, including pre-trial discovery procedures such as interrogatories, depositions and motions to produce.

(2) Arrange for staff or contractor studies where necessary in connection with trial work on questions regarding rates, rate bases, rate levels and structures, investment costs and expenses, cost of service studies, rates of return and carrier regulations concerning terms and conditions of service.

(3) Examine witnesses during hearings; prepare proposed findings and conclusions; and prepare exceptions to initial or recommended decisions and briefs.

(4) Participate in oral arguments before appellate bodies within the Commission.

(e) Coordinate with other organizational units within the Bureau in interpreting and implementing the Docket No. 18128 and other relevant Commission decisions previously noted.

3. A new § 0.102 is added to read as follows:

§ 0.102 Field Offices.

Common Carrier Bureau field offices are located in Room 1309-X, 90 Church Street, New York, N.Y. 10007; and Room 546, 210 Twelfth Street, St. Louis, Mo. 63101.

[FR Doc. 77-29703 Filed 10-7-77; 8:45 am]

[6712-01]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

Editorial Amendments Adopting Metric System of Measurements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends the Commission's rules by converting the customary English units of measurement to the International System of Units (SI) as contained in the Metric Conversion Act of 1975 (Pub. L. 94-168). No actual measurements are being changed at this time, however, and the English values will continue to govern until such time as new metric values may be established. Other minor or editorial changes in keeping with the conversion to the metric system are included in this Order.

EFFECTIVE DATE: October 17, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Joseph G. Thomas, Antenna Survey Branch, Telephone 202-632-7521.

Adopted: September 30, 1977.

Released: October 6, 1977.

Order. In the matter of amendment of Part 17 rules and regulations to adopt Metric System of Measurements and make other editorial changes.

1. The Amendments herein are in accord with the Commission's announced program, adopted July 28, 1976, for converting to the International System of Units (SI) as contained in the Metric Conversion Act of 1975 (Pub. L. 94-168). Metric units of measurement will replace the customary English units as the primary measurement system.

2. The metric equivalents are being added to Part 17 rules and regulations to inaugurate the eventual conversion to the full metric system. No actual measurements are being changed at this time, however, and the English values in parenthesis will continue to govern until such time as new metric values are established.

3. To some extent, all subparts of Part 17 are affected by the amendment, and since Part 17 is being extensively revised in this respect, other minor or editorial changes in keeping with the conversion to the metric system are included. The required intensities to be attained by red obstruction lights for example, are expressed in candelas—to insure their visibility to aircraft under prescribed meteorological minimums.

4. Finally, relief is being afforded those licensees employing dual obstruction lighting (red for nighttime and white for daytime) by enabling the use of the omnidirectional antenna obstruction light in both the red and white modes.

5. For the reasons set forth above, we conclude that the adoption of these amendments will serve the public interest. Prior notice and effective date provisions of the Administrative and Judicial Review Act (5 U.S.C. 553) are not applicable. Therefore, It is ordered, That pursuant to sections 4(i) and 303(q) of the Communications Act of 1934, as amended and § 0.231 of the Commission's rules. Part 17 of the Commission's rules and regulations is amended effective October 17, 1977, as set forth below.

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

FEDERAL COMMUNICATIONS
COMMISSION,
R. D. LICHTWARDT,
Executive Director.

Part 17 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 17.4 [Amended]

1. In § 17.4(f) change "20 feet" in lines 2 and 3 to "6.10 meters (20 feet)".

§ 17.7 [Amended]

2. In § 17.7(a) change "200 feet" to "0.96 meters (200 feet)".

In § 17.7(b)(1) change "20,000 feet" to "6.10 kilometers (20,000 feet)" in line

1, and "3,200 feet" to "0.98 kilometers (3,200 feet)" in line 4.

In § 17.7(b) (2) change "10,000 feet" to "3.05 kilometers (10,000 feet)" in line 1, and "3,200 feet" to "0.98 kilometers (3,200 feet)" in line 4.

In § 17.7(b) (3) change "5,000 feet" to "1.52 kilometers (5,000 feet)" in line 1.

§ 17.10 [Amended]

3. In § 17.10 the headnote and the introductory statement are each amended by changing "1,000 feet" to "304.80 meters (1,000 feet)".

§ 17.14 [Amended]

4. In § 17.14(b) change "20 feet" to "6.10 meters (20 feet)".

§ 17.21 [Amended]

5. In § 17.21(a) change "200 feet" to "60.96 meters (200 feet)".

§ 17.23 [Amended]

6. In § 17.23 change "100 feet" and "1½ feet" to "30.48 meters (100 feet)" and "0.46 meters (1.5 feet)" respectively.

§ 17.24 [Amended]

7. In § 17.24, the headnote and introductory statement are each amended by changing "150 feet" to "45.72 meters (150 feet)".

In § 17.24(a), a new sentence is inserted after the first sentence reading as follows:

(a) * * * The intensity of each lamp shall not be less than 32.5 candelas. * * *

Also, in § 17.24(a), the last sentence is amended to read as follows:

(a) * * * When a light sensitive device is used, it shall be adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.25 [Amended]

8. In § 17.25 the headnote is amended by changing "150 feet" to "45.72 meters (150 feet)" and "300 feet" to "91.44 meters (300 feet)".

In § 17.25(a) change "150 feet" to 45.72 meters (150 feet), and "200 feet" to "60.96 meters (200 feet)" in lines 2 and 4, and change "300 feet" to "91.44 meters (300 feet)" in line 5.

In § 17.25(a) (1) change "20 feet" to "6.10 meters (20 feet)" in line 6, and insert a new sentence after the first sentence, reading as follows:

(a) (1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red).

In § 17.25(a) (2) a new sentence is inserted after the first sentence reading as follows:

(a) * * * (2) * * * The intensity of each lamp shall not be less than 32.5 candelas. * * *

Section 17.25(a) (3) is amended to read as follows:

(a) * * *

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.26 [Amended]

9. In § 17.26, in the headnote and in Paragraph 17.26(a), "300 feet" is changed to "91.44 meters (300 feet)" and "450 feet" is changed to "137.16 meters (450 feet)".

In § 17.26(a) (1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * * (1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

In § 17.26(a) (2) insert after the first sentence, a new sentence reading:

(a) * * * (2) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.26(a) (3) is amended to read as follows:

(a) * * * (3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.27 [Amended]

10. In § 17.27, in the headnote and in Paragraph 17.27(a), "450 feet" is changed to "137.16 meters (450 feet)" and "600 feet" is changed to "182.88 meters (600 feet)".

In § 17.27(a) (1), change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading as follows:

(a) * * * (1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

Section 17.27(a) (3) is amended by adding a second sentence reading:

(a) * * * (3) * * * The intensity of each lamp shall not be less than 32.5 candelas. * * *

Section 17.27(a) (4) is amended to read as follows:

(a) * * * (4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.28 [Amended]

11. In § 17.28, in the headnote and in § 17.28(a), "600 feet" is changed to "182.88 meters (600 feet)" and "750 feet" is changed to "228.60 meters (750 feet)".

In § 17.28(a) (1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * * (1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red).

Section 17.28(a) (3) is amended by adding a second sentence reading:

(a) * * * (3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.28(a) (4) is amended to read as follows:

(a) * * * (4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.29 [Amended]

12. In § 17.29, in the headnote and in § 17.29(a), "750 feet" is changed to "228.60 meters (750 feet)" and "900 feet" is changed to "274.32 meters (900 feet)".

In § 17.29(a) (1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * * (1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red).

Section 17.29(a) (3) is amended by adding a second sentence reading:

(a) * * * (3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.29(a) (4) is amended to read as follows:

(a) * * * (4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.30 [Amended]

13. In § 17.30, in the headnote and in § 17.30(a), "900 feet" is changed to "274.32 meters (900 feet)" and "1,050 feet" is changed to "320.04 meters (1,050 feet)".

In § 17.30(a) (1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * *

(1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

Section 17.30(a)(3) is amended by deleting the last word "structure" and replacing with "tower at each level."—ending the sentence. A second sentence is added reading:

(a) * * *

(3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.30(a)(4) is amended to read as follows:

(a) * * *

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.31 [Amended]

14. In § 17.31, in the headnote and in Paragraph 17.31(a), "1,050 feet" is changed to "320.04 meters (1,050 feet)" and "1,200 feet" is changed to "365.76 meters (1,200 feet)".

In § 17.31(a)(1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * *

(1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red).

Section 17.31(a)(3) is amended by deleting the last word, "structure", and replacing with "tower at each level."—ending the sentence. A second sentence is added reading:

(a) * * *

(3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.31(a)(4) is amended to read as follows:

(a) * * *

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.32 [Amended]

15. In § 17.32, in the headnote and in § 17.32(a), "1,200 feet" is changed to "356.76 meters (1,200 feet)" and "1,350 feet" is changed to "411.48 meters (1,350 feet)".

In § 17.32(a)(1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence reading:

(a) * * *

(1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

Section 17.32(a)(3) is amended by adding a second sentence reading:

(a) * * *

(3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.32(a)(4) is amended to read as follows:

(a) * * *

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.33 [Amended]

16. In § 17.33, in the headnote and in § 17.33(a), "1,350 feet" is changed to "411.48 meters (1,350 feet)" and "1,500 feet" is changed to "457.20 meters (1,500 feet)".

In § 17.33(a)(1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * *

(1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

Section 17.33(a)(3) is amended by adding a second sentence reading:

(a) * * *

(3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.33(a)(4) is amended to read as follows:

(a) * * *

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of 376.74 lux (35 fc) and turned off when the north sky illuminance level on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.34 [Amended]

17. In § 17.34, in the headnote and in § 17.34(a), "1,500 feet" is changed to "457.20 meters (1,500 feet)" and "1,850 feet" is changed to "502.92 meters (1,650 feet)".

In § 17.34(a)(1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * *

(1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

Section 17.34(a)(3) is amended by deleting the last word "structure" and replacing with "tower at each level."—ending the sentence. A second sentence is added reading:

(a) * * *

(3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.34(a)(4) is amended to read as follows:

(a) * * *

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

minance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.35 [Amended]

18. In § 17.35, in the headnote and in § 17.35(a), "1,650 feet" is changed to "502.92 meters (1,650 feet)" and "1,800 feet" is changed to "548.64 meters (1,800 feet)".

In § 17.35(a)(1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * *

(1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

Section 17.35(a)(3) is amended by deleting the last word, "structure", and replacing with "tower at each level."—ending the sentence. A second sentence is added reading:

(a) * * *

(3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.35(a)(4) is amended to read as follows:

(a) * * *

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.36 [Amended]

19. In § 17.36, in the headnote and in § 17.36(a), "1,800 feet" is changed to "548.64 meters (1,800 feet)" and "1,950 feet" is changed to "594.36 meters (1,950 feet)".

In § 17.36(a)(1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * *

(1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

Section 17.36(a)(3) is amended by deleting the last word, "structure" and replacing with "tower at each level."—ending the sentence. A second sentence is added reading:

(a) * * *

(3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.36(a)(4) is amended to read as follows:

(a) * * *

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.64 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.37 [Amended]

20. In § 17.37, in the headnote and in Paragraph 17.37(a), "1,950 feet" is

changed to "594.36 meters (1,950 feet)" and "2,100 feet" is changed to "460.08 meters (2,100 feet)".

In § 17.37(a) (1) change "20 feet" to "6.10 meters (20 feet)" in line 6 and insert, after the first sentence, a new sentence reading:

(a) * * *

(1) * * * The steady burning intensity shall not be less than 2,000 candelas (in red). * * *

Section 17.37(a) (3) is amended by deleting the last word, "structure" and replacing with "tower at each level."—ending the sentence. A second sentence is added reading:

(a) * * *

(3) * * * The intensity of each lamp shall not be less than 32.5 candelas.

Section 17.37(a) (4) is amended to read as follows:

(a) * * *

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 367.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

§ 17.38 [Amended]

21. In § 17.38, in the headnote and in the single paragraph which follows, "2,100 feet" is changed to "640.08 meters (2,100 feet)".

22. In the Sub-Title preceding § 17.39 and in the "Note" immediately following, the word "white" is inserted between the words "high intensity" and "obstruction lighting" in the sub-title and in line 2 of the Note. The final sentence of the Note is rewritten and a new paragraph added reading as follows:

NOTE.—A white capacitor discharge omnidirectional light is mounted on or adjacent to the apparatus, if more than 6.10 meters (20 feet), to complement the lighting system.

Where a dual lighting system is employed, i.e., high intensity white obstruction lighting during daylight and red obstruction lighting at night, the omnidirectional high intensity light, if equipped with an aviation red color filter for nighttime illumination, may be used in lieu of the 300 mm top beacon specified in § 17.24(a) and subparagraph (a) (1) in §§ 17.25 through 17.37.

§ 17.39 [Amended]

22. In § 17.39 the headnote and the introductory statement are amended by changing "300 feet" to "91.44 meters (300 feet)".

In § 17.39(b) change "20 feet" to "6.10 meters (20 feet)" where it appears in lines 2 and 10.

In § 17.39(c) (1) change "60 footcandles" and "30 footcandles" to "645.84 lux (60 fc)" and "322.92 lux (30 fc)" respectively.

In § 17.39(c) (2) change "5 footcandles" and "2 footcandles" to "53.82 lux (5 fc)" and "21.53 lux (2 fc)" respectively.

§ 17.40 [Amended]

In § 17.40 the headnote and the introductory statement are amended by changing "300 feet" to "91.44 meters (300 feet)" and "600 feet" to "182.88 meters (600 feet)".

In § 17.40(c) change "20 feet" to "6.10 meters (20 feet)" where it appears in lines 2 and 10.

In § 17.40(d) (1) change "60 footcandles" and "30 footcandles" to "645.84 lux (60 fc)" and "322.92 lux (30 fc)" respectively.

In § 17.40(d) (2) change "5 footcandles" and "2 footcandles" to "53.82 lux (5 fc)" and "21.53 lux (2 fc)" respectively.

§ 17.41 [Amended]

24. In § 17.41 the headnote and the introductory statement are amended by changing "600 feet" to "182.88 meters (600 feet)" and "1,000 feet" to "304.80 meters (1,000 feet)".

In § 17.41(c) change "20 feet" to "6.10 meters (20 feet)" where it appears in lines 2 and 10.

In § 17.41(d) (1) change "60 footcandles" and "30 footcandles" to "645.84 lux (60 fc)" and "322.92 lux (30 fc)" respectively.

In § 17.41(d) (2) change "5 footcandles" and "2 footcandles" to "53.82 lux (5 fc)" and "21.53 lux (2 fc)" respectively.

§ 17.42 [Amended]

In § 17.42 the headnote and the introductory statement are amended by changing "1,000 feet" to "304.80 meters (1,000 feet)".

In § 17.42(b) change "1,000 feet" and "1,400 feet" in line 6 to "304.80 meters (1,000 feet)" and "426.72 meters (1,400 feet)" respectively, and in line 7 change "400 feet" to "121.92 meters (400 feet)".

In § 17.42(c) change "20 feet" to "6.10 meters (20 feet)" where it appears in lines 2 and in line 10.

In § 17.42(d) (1) change "60 footcandles" and "30 footcandles" to "645.84 lux (60 fc)" and "322.92 lux (30 fc)" respectively.

In § 17.42(d) (2) change "5 footcandles" and "2 footcandles" to "53.82 lux (5 fc)" and "21.53 lux (2 fc)" respectively.

§ 17.45 [Amended]

26. In § 17.45, the word "red" is inserted between the words "which" and "obstruction" in line 2. A new sentence is inserted after the word "structure" in the first sentence to read as follows:

* * * The intensity of each lamp shall not be less than 32.5 candelas. * * *

Also, in § 17.45, the last sentence is amended to read as follows:

* * * If practical, the permanent obstruction lights may be installed and operated at each required level as construction progresses.

27. Section 17.54 is amended, with the exception of the headnote, to read as follows:

§ 17.54 Rated lamp voltage.

To insure the necessary lumen output by obstruction lights, the rated voltage of incandescent lamps used shall correspond to be within 3 percent higher than the voltage across the lamp socket during the normal hours of operation.

[FR Doc. 77-29702 Filed 10-7-77; 8:45 am]

[6712-01]

PART 73—RADIO BROADCAST SERVICES

Providing Revised Period for Construction of Subscription Television Stations

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Section 73.642(c) of the Commission's rules is amended to specify 18 instead of 8 months as the time period within which holders of subscription television authorizations must complete construction of their transmitting facilities. This change was inadvertently omitted when the Commission amended § 1.598 of the rules to provide an 18 instead of 8 month time period within which construction of a new television broadcast station must be completed.

EFFECTIVE DATE: October 12, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Order. In the matter of amendment of § 73.642(c) of the Commission's rules to provide a revised period for construction of subscription television stations.

Adopted: September 23, 1977.

Released: September 30, 1977.

1. Under consideration here is that part of § 73.642(c) of the Commission's rules which provides that "holders of subscription television authorizations shall complete construction of subscription television ('STV') transmitting facilities within a period of 8 months after issuance of the authorization unless otherwise determined by the Commission upon proper showing in any particular case."

2. In 1970, the Commission in a *Report and Order*, 23 F.C.C. 2d 274, amended its rules to specify in § 1.598 new construction periods for various classes of broadcast stations. At that time, the period for construction of a new television station was lengthened from 8 to 18 months. In 1974, this rule was revised to clearly state that the time allowed for completion of construction applies not only to new construction but to changes in existing stations as well (FCC 74-653). Another § 73.642(c), governing the period for constructing STV facilities. When the other time periods