

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

Traffic Noise Level Prediction
Methods—Amendment

AGENCY: Federal Highway Administration, DOT.

ACTION: Amendment to final rule.

SUMMARY: This amendment revises current procedures by which the Federal Highway Administration (FHWA) approves traffic noise level prediction methods for use on Federal-aid highway projects. Section 772.25 of title 23, Code of Federal Regulations, specifically approves two prediction methods and provides for submission of other methods or variations to FHWA's headquarters office for approval prior to use. This section is being revised to indicate that any method which is consistent with the FHWA Highway Traffic Noise Prediction Model and which uses noise emission levels obtained from approved FHWA procedures is approved for use.

EFFECTIVE DATE: October 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry Reagan, Environmental Quality Division, Office of Environmental Policy, 202-426-4836, or Mr. Stan Abramson, Office of the Chief Counsel, 202-426-0791, Federal Highway Administration, 20590. Hours are from 7:45 a.m. to 4:15 p.m., eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: It is anticipated that this revision will provide State highway agencies and FHWA field offices with the information needed and the proper degree of flexibility to arrive at acceptable traffic noise level prediction methods utilizing state-of-the-art methodology.

The revised requirements of § 772.25 are not retroactive. In addition, the two approved prediction methods currently listed in § 772.25 and all other methods approved pursuant to that section remain approved for use on Federal-aid projects until July 1, 1979. Any noise analysis performed after

that date must comply with the revised procedures.

The approved FHWA procedures for obtaining noise emission levels are being distributed directly to all State highway agencies and FHWA field offices and will be made available for inspection and copying at all FHWA offices in accordance with the provisions of 49 CFR Part 7, Appendix D.

Although the substantive provisions of paragraphs (d) and (e) of the old § 772.25 are not being revised, the paragraphs have been redesignated as (b) and (c) and are reprinted herein in the interest of clarity and for ease of reference.

Accordingly, 23 CFR Part 772 is amended as follows:

§ 772.13 [Amended]

1. In § 772.13(e)(3) the reference to "§ 772.25(e)" is changed to read "§ 772.25(c)";

2. Section 772.25 is revised to read as follows:

§ 772.25 Traffic noise level prediction methods.

(a) Any traffic noise prediction method is approved for use in any noise analysis required by this part if it meets the following two conditions:

(1) The methodology is consistent with the methodology in the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA-RD-77-108);

(2) The prediction method uses noise emission levels obtained from one of the following:

(i) Federal-Aid Highway Program Manual, Volume 7, Chapter 7, Section 3, Attachment 1 (National Reference Energy Mean Emission Levels as a Function of Speed);

(ii) Report No. FHWA-OEP/HEV-78-1, Determination of Reference Energy Mean Emission Levels.⁴

(b) In predicting noise levels and assessing noise impacts the following traffic characteristics shall be used:

(1) *Automotive volume*.—The future volume (reduced for truck traffic) obtained from the lesser of the design hourly volume or the maximum volume which can be handled under traffic level of service C conditions. For automobiles, level of service C is considered to be the combination of speed and volume which creates the worst noise conditions. The average hourly volume for the highest 3 hours on an average day for the design year may be used for those highway sections where the design hourly volume or the level of service C condition is not anticipated to occur on a regular basis during the design year.

(2) *Speed*.—The operating speed which corresponds with the design

⁴These documents are available for inspection and copying in accordance with the provisions of 49 CFR Part 7, App. D.

year traffic volume selected in paragraph (b)(1) of this section and the truck traffic predicted from paragraph (b)(3) of this section. The operating speed must be consistent with the volume used.

(3) *Truck volume*.—The design hourly truck volume shall be used for those cases where either the design hourly volume or level of service C was used for the automobile volume. Where the average hourly volume for the highest 3 hours on an average day was used for automobile traffic, comparable truck volumes should be used.

(c) An alternative to paragraph (b) of this section, the highway agency may select traffic characteristics to correspond with the critical times of day and night which will create the most adverse traffic noise impacts upon the nearby activities and land uses. When such alternative traffic characteristics are used, a thorough discussion of such alternative characteristics shall be included in the noise study report.

(d) Traffic noise prediction methods approved pursuant to prior requirements of this part (41 FR 16936, Apr. 23, 1976) remain approved until July 1, 1979. Any noise analysis performed after July 1, 1979, must comply with the requirements of paragraph (a) of this section.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major regulation according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

(23 U.S.C. 109(i), 315; 49 CFR 1.48(b).)

Issued on: September 22, 1978.

JOHN S. HASSELL, Jr.,
Deputy Administrator.

[FR Doc. 78-27940 Filed 10-3-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Postal Service Manual—Correction of Errors and Omissions in Transmittal Letter 44

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The purpose of this document is to correct publicly certain errors and omissions contained in a recent transmittal letter making changes to the Postal Service Manual. The Postal Service published on page 2 of the Postal Bulletin of September

14, 1978, the corrections to be made to the Postal Service Manual and advised subscribers to make the changes to their manuals pending receipt of the next transmittal letter. The present publication is intended to reach holders of the manual who may not be subscribers of the Postal Bulletin or who happened not to see the notice in it.

EFFECTIVE DATE: August 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul J. Kemp, 202-245-4638.

SUPPLEMENTARY INFORMATION: Chapter I of the Postal Service Manual has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1). This chapter was amended by the issuance of Post Office Services (Domestic) Transmittal Letter 44, issue 120, dated August 21, 1978, and the amended parts were published in full text in the FEDERAL REGISTER on Wednesday, September 13, 1978 (43 FR 40810). The present document refers to and corrects errors and omissions in the FEDERAL REGISTER document referenced above.

ROGER P. CRAIG,
Deputy General Counsel.

On page 40859, in the left hand column, add at the appropriate place new .435 and revise .44 to read as follows:

.435 For mailings of value of \$15 or less, or negotiable items or currency or bullion, the indemnity will be \$15.

.44 Exclusions. Indemnity will not be paid for:

a. Negotiable items (except as provided in 189.435).

b. Currency or bullion (except as provided in 189.435).

c. Consequential loss (except as provided in 189.422c).

d. Nonmailable items (as defined in PSM 123), or items packaged in a manner that they could not have reached their destination undamaged in the normal course of the mail.

e. Articles of sentimental value (except as provided in 189.435).

f. Acts of employees or agents of the sender or addressee.

g. Radioactive injury or electrical or magnetic injury or erasure of electrical recordings, except by lightning.

h. War, insurrection, or civil disturbance, or seizure by an agency of government.

[FR Doc. 78-27976 Filed 10-3-78; 8:45 am]

[7710-12]

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

City Delivery Service Policy

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: These regulations, which are a revision of proposed regulations published in the FEDERAL REGISTER on March 23, 1978, 43 FR 12044-12047, prescribe Postal Service policy for offering "city delivery" service to customers residing in family housing (other than apartment houses), to which city delivery service is not provided. They prescribe the rules under which postmasters and other local postal officials decide whether to offer such service and which kinds of city delivery service to offer, and the general rules which customers must comply with in order to be eligible for receiving city delivery service. The regulations do not depart from the proposal except in certain minor respects noted below.

EFFECTIVE DATE: November 3, 1978.

ADDRESS: Written questions about the regulations should be directed to Assistant General Counsel, Special Projects, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Charles R. Braun, 202-245-4620.

SUPPLEMENTARY INFORMATION: A discussion of the general basis and purpose of these regulations accompanied the proposal when it was published for comment in March, 43 FR 12044-12046. Eight letters of comment were received on the proposal, two from the same commenter. Seven comments opposed the adoption of the proposal on the ground that it generally did not provide for door delivery service in new single family housing in city delivery areas. Those comments urged the adoption of regulations which would instead require door delivery service in all city delivery areas. One comment opposed door delivery and supported curbside and cluster box delivery, on the ground that door delivery was a hazard to the carrier, resulting in injuries from "dog bites, slipping on ice and snow, falling down stairs, carrying heavy bags of mail, etc."

The principal substantive arguments against adoption of the proposal were as follows: (1) Door service would provide better security, convenience, and service than other forms of delivery service; (2) the proposal is unreasonably discriminatory against persons residing in new areas; (3) the proposal is unreasonably discriminatory against new homebuilders by placing them at a "competitive disadvantage to those who sell existing homes"; and, (4) the proposal is unreasonably discriminatory against those of the elderly who may be unable during inclement weather to pick up their mail.

The proposal insofar as it would restrict the offering of door service to new homes is intended to achieve substantial cost savings in postal operations. Door service is the most expensive form of delivery that can be provided, and is substantially more expensive than any other form of home delivery service.

There is no evidence that nondoor delivery in residential city delivery areas where such delivery is authorized results in a reduction of mail security. Regardless of the form of delivery, moreover, a customer will receive essentially the same mail deliveries in his mail receptacle or door slot on the same day. While door service may be convenient, a walk to a sidewalk, curbside, or central delivery point is not ordinarily a great inconvenience. Other postal customers, such as those receiving rural delivery service or apartment house delivery, may have to walk farther to receive their mail.

Two comments questioned whether it was appropriate to seek cost savings in postal operations, one arguing that, "The Federal Government is spending millions of dollars trying to figure out how to put people back to work * * *", and the other arguing that: "Any economies achieved (by the proposal) would soon be squandered by * * * postal management * * *" through other means. The postal laws, however, clearly require the postal system to be operated economically and efficiently. See, for example: 39 U.S.C. 101(a), 403 (a), (b), 1001(e)(4), 2010, 3621, 3661(a). The postal system is therefore not operated so as to "make work" or to end unemployment; reasonable efforts to operate the system efficiently, including the elimination of unnecessary work, must therefore be made.

It has, moreover, always been necessary to restrict door delivery service to those parts of the country where it could economically be provided. Customers of rural delivery service, for example, who are not affected by these regulations, have never been offered door delivery service. Residents of apartment houses similarly do not receive door service.

The argument that a general policy of not providing door service to new single family housing is illegally discriminatory against affected customers has already been rejected by the courts, e.g., *Parsons v. United States Postal Service*, 380 F. Supp. 815 (D. N.J. 1974); *Grover City v. United States Postal Service*, 391 F. Supp. 982 (C.D. Calif. 1975). These courts have reasoned that the policy against door service has a reasonable economic basis, and that the Postal Service is bound to consider economies in its operations in formulating policy.

The argument that nondoor service would be specially discriminatory against the elderly overlooks the fact that many elderly persons are able-bodied enough not only to pick up their mail but also to continue working regularly. In addition, the argument overlooks 155.222 of the proposal, carried forward without change in these final regulations, providing for cases of "extreme hardship" regardless of age.

There was, moreover, no evidence offered to indicate that the general policy of not offering door service in new housing areas (which has been in effect for several years) has had any practical effect on the sales of new houses. Commonsense and a perusal of newspaper advertisements for new and used homes for sale both tend to suggest that the differences between door, curb, sidewalk, and central delivery have no substantial effect on home buying decisions.

It was also argued that the proposed regulations could not be adopted by the Postal Service now because it was legally required first to submit them to the Postal Rate Commission under 39 U.S.C. 3661(b) for an advisory opinion. Section 3661(b), however, requires that such advisory opinions be sought before certain proposals to change the general nature of service are implemented: "When the Postal Service determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis, it shall submit a proposal, with a reasonable time prior to the effective date of such proposal, to the Postal Rate Commission requesting an advisory opinion on the change."

The commenter did not, however, specify what change or changes to which it believed section 3661 might apply. The general policy to which the commenter objected, or seeking to provide city delivery service in new areas in more cost effective ways than door delivery, is a longstanding one which antedates section 3661's effective date of July 1, 1971. Postal regulations adopted in 1968 provided, with certain exceptions, that, "All other establishments and extensions of city delivery service normally should be by motorized delivery to curbside boxes." Post Office Department Regional Instructions, City Delivery Service, No. 331-1, part IIA4 at p. 6, January 15, 1968. Under the 1968 instructions, the authority to offer door delivery in new city delivery areas was generally circumscribed and an offer of door delivery was generally not required. Id., part IIA at 6. Existing postal regulations already provide: "Delivery service normally should be by motorized carrier to neighborhood cluster boxes or to curbside boxes." U.S. Postal Serv-

ice, Regional Instructions, Delivery Service, No. 331-1, Amendment No. 5, part IA at p. 1, September 29, 1972. The limited discretion in these regulations to offer door service to certain new residential housing in city delivery areas has rarely been exercised since 1972, because of the general overriding policy in favor of effecting economies of postal operations wherever possible. A legal challenge under 39 U.S.C. 3661 to this aspect of present city delivery regulations—general non-provision of door delivery service to new city delivery residential areas—was unsuccessful last year. *Bradley v. United States Postal Service*, 554 F. 2d 186 (5th Cir. 1977).

The city delivery regulations, moreover, by generally encouraging nondoor delivery only in new city delivery points, affect only the small percentage of delivery points nationwide which become eligible for establishment or extension of city delivery each year. We estimate this percentage to be less than 3 percent of total nationwide delivery points (city, rural, or other). The immediate impact of changes in city delivery policies for service establishments and extensions is therefore to leave most delivery service in the country unaffected. Thus, even substantial changes in such nationwide city delivery policies would not "generally affect service" as contemplated by section 3661.

One of the commenters recommended that the extreme hardship exception (155.222) be stated in mandatory terms, thus—"Door delivery will be provided * * *—instead of, as proposed—"Door delivery will be considered * * *." Another commenter expressed concern that the exception might be too broad: "Hardships can be reduced to a minimum if a handicapped person would authorize a close neighbor to pick up the mail for him." In experience local postal officials have been able to exercise sound judgment in this area without mandatory regulations.

Present regulations are even more general than those just proposed: "Obviously, predetermined criteria cannot be prescribed to fit every circumstance. Therefore, good judgment should be exercised in rendering decisions where unusual conditions necessitate deviation from these criteria." Reg. Inst. No. 331-1, Amendment No. 5, September 29, 1972, part ID at page 2. The proposed hardship exception was stated permissively in order to permit local officials to continue to exercise sound judgment based on a consideration of all relevant factors, such as whether persons other than the disabled customer reside in the same place. The exception was therefore intended only to define when consideration should be given to providing door

delivery in cases of extreme hardship. No reasons were given for stating the exception in mandatory terms, and it is unclear whether such a revision of the regulations would lead to improved administration. Instead, it might lead to dealing with such matters on the basis of interpretation instead of judgment. The exception is therefore adopted as proposed.

In the same vein, the proposed mandatory language in proposed 155.21—" * * * city delivery service shall be offered * * *" is revised to be permissive—" * * * city delivery service will be considered * * *." Existing regulations are stated permissively: "Consideration for establishing (city) delivery service will be given * * *." Postal Service Manual 155.1, incorporated by reference, 39 CFR 111.1 (1977). In instances where no home delivery service is provided, and the requirements for city delivery service have been fulfilled, local officials are expected to offer city delivery service. In other instances, however, such as when rural delivery service is already provided to the same community, an offer of conversion to city delivery is authorized but not required. Such conversions can be unnecessarily disruptive and cause controversy in the community, since they entail several changes in the way postal services are provided, and rural carrier jobs would be eliminated in favor of city carrier jobs. Thus, where a community receiving rural delivery service becomes sufficiently urban to be eligible for city delivery service, local postal officials should exercise sound discretion in deciding whether even to raise the question of conversion to city delivery service. A conforming change is made in 155.11.

Minor errors appearing in the proposal, such as the use of the word "report" in 155.12 where the context clearly requires the word "part," have been corrected. Also, minor changes are made in style and form.

In view of the foregoing considerations, the Postal Service adopts the following revisions of the Postal Service Manual:

PART 155—CITY DELIVERY

1. Sections 155.1 and 155.2 are revised to read as follows:

155.1 Requirements for delivery service.

11 *Establishments.* In this part "establishment" refers to the initiation of city delivery service in a community which currently does not receive it. In establishing city delivery service, a combination of delivery methods should be considered to provide adequate service to all residential and business sections of a community. All establishments of delivery service must have final approval of the Regional Postmaster General or his designee.

Establishment of delivery service will be considered when the following essential requirements are met:

a. Within the area to be served there is a population of 2,500 or more or 750 possible deliveries. (The postal population may vary greatly from the general census population because of different boundary interpretations and designations.)

b. Fifty percent of the building lots in the area to be served are improved with houses or business places. Where a house or building and its yard or ground cover more than one lot, all lots so covered are considered to be improved.

c. The streets are paved or otherwise improved to permit the travel of post office vehicles at all times without damage or delay.

d. Streets are named and house numbers are assigned by the appropriate municipal authorities in a manner that precludes duplicative mailing addresses.

e. The street signs are in place and the house numbers are displayed.

f. The rights-of-way, turnouts, and areas adjacent to the roads and streets are sufficiently improved so that the installation and servicing of boxes will not be hazardous to the public or postal employees.

g. Satisfactory walks exist for the carrier where required.

h. Approved mail receptacles or door slots are installed at designated locations.

12. *Extensions.* In this part the word "extension" refers to the initiation of city delivery service in any areas which are not included in the boundaries of present delivery service, but which are part of a community for which city delivery service has already been established. The delivery service requirements for extensions are the same as those listed in 155.11 for establishments, except that paragraph (a) does not apply to extensions.

13. *Existing establishments and extensions not affected.* Nothing in this part shall be interpreted to require any changes in any city delivery service which was initiated under prior city delivery regulations.

155.2 Delivery policy-establishments and extensions.

21. *Criteria.*

211. *General.* Establishment or extension of city delivery service will be considered for those areas that meet the criteria in 155.11 and 155.12. Normally, this will be by motorized carrier to curbside boxes or to central delivery points or receptacles, supplemented as given below.

212. *Business areas.* The type and design of buildings will govern the method of delivery service to be implemented. The delivery options are:

a. Central delivery service for business office buildings which may include: (1) Call windows; (2) lockboxes; or (3) mechanical conveyors.

NOTE.—This is available only for high rise, multiple-tenant buildings, and only if certain conditions are met. For details consult your postmaster.

b. Single points, receptacles, or door slots provided by business management.

213. *Residential housing other than apartment houses or mobile or trailer homes.*

a. *General.* For all residential areas, except apartment houses and mobile or trailer homes, the delivery options are either curbside, sidewalk or central delivery, under the regulations given below.

b. *Curbside delivery.* Delivery may be provided to boxes located at the curb so they

can be safely and conveniently served by the carrier from his vehicle.

c. *Sidewalk delivery.* (1) If the sidewalk abuts the curb or if other unusual conditions exist (e.g., excessive street parking) which make it difficult or impractical to install or serve boxes at the curbside, these customers may be permitted to install all of their boxes at the edge of the sidewalk nearest the residence, where they can all be served by the carrier from the sidewalk.

(2) If the average lot frontage is 75 feet or less, the boxes are not required to be grouped together, but if the average lot frontage is more than 75 feet, the boxes must be installed in groups of at least two.

(3) If the average lot frontage is 50 feet or less, customers may locate their mailboxes at the edge of the sidewalk nearest the residence rather than at the curb, regardless of whether the sidewalk abuts the curb or other unusual conditions exist. All the boxes must be located so that the carrier can serve them from the sidewalk.

d. *Central delivery.* Central delivery may be provided at one or more central points within a residential housing development, community, or area. The requirements for such delivery are:

(1) The local postal managers must approve the mailbox sites and equipment;

(2) There must be a minimum of two mailboxes erected at one site (there is no maximum limit); and

(3) The customers will not be required to travel an unreasonable distance to obtain their mail.

214. *Apartment houses.* See 155.6 for delivery options.

215. *Mobile or trailer homes.* The delivery options for mobile or trailer home developments depend upon whether the development is permanent or transient.

a. Permanent developments consist of managed mobile home parks or residential mobile home subdivisions where: The lots are permanently assigned, the streets are maintained for public use, and the conditions are similar to those of a normal residential subdivision. For permanent developments, the delivery options are either curbside, sidewalk, or central delivery, under the regulations given below.

(1) *Curbside delivery.* Delivery service may be provided to boxes which are located at the curb so that they can be safely and conveniently served by the carrier from the vehicle.

(2) *Sidewalk delivery.* (a) If the sidewalk abuts the curb or other unusual conditions exist (e.g., excessive street parking) which make it difficult or impractical to install or serve boxes at the curbside, these customers may install all of their boxes at the edge of the sidewalk nearest the residence where they can all be served by the carrier from the sidewalk.

b. In such conditions, if the average lot frontage is 75 feet or less, the sidewalk boxes are not required to be grouped together, but if the average lot frontage is more than 75 feet, the sidewalk boxes must be installed in groups of at least two.

c. If the average lot frontage is 50 feet or less, the customers may be permitted to locate all of their mailboxes at the edge of sidewalk, nearest the residence rather than at the curb, regardless of whether the sidewalk abuts the curb or other unusual conditions exist. All of the boxes must be located so the carriers can serve them from the sidewalk.

(3) *Central delivery.* (a) Delivery service may be provided to a single point or receptacle designated by the management of the development for the receipt of mail for distribution by its employees.

(b) Delivery service may be provided to one or more central points for the direct receipt of mail by postal customers within the area.

(c) The requirements for such central delivery are:

(i) The local postal manager must approve the mailbox sites and equipment;

(ii) There must be a minimum of two mailboxes erected at one site (there is no maximum limit); and

(iii) The customers are not required to travel an unreasonable distance to obtain their mail.

c. Transient developments are recreational vehicle parks and trailer courts where the lots are temporarily rented and the occupants are generally transient. Such developments are considered transient, even though some families may live in them for an extended period of time. For these developments, the only option is delivery to a single point or receptacle designated by the trailer park management and approved by local postal managers for the receipt of mail for distribution by the trailer park's employees.

NOTE.—This method is one of the service options for permanent developments.

22. *Exceptions.*

221. *Fill-in.* New homes built within a block of existing homes will receive the same type of service as the older ones. When new housing replaces more than one block in a city delivery area, delivery methods will comply with extension procedures.

222. *Hardship cases.* Door delivery will be considered for an individual customer where service through central, curbside, sidewalk, lockbox, or general delivery would place an extreme hardship on the customer.

223. *Local ordinances.* If a customer chooses not to erect a curbside box because of a local, city, county, or State ordinance prohibiting the installation of mailboxes at the curb, the delivery options in establishments and extensions are:

a. Central delivery service may be provided at one or more central points in a residential housing development, community or area, if:

(1) The local postal managers approve the mailbox sites and equipment;

(2) There is a minimum of two mailboxes erected at each mailbox site (there is no maximum limit); and

(3) The customers are not required to travel an unreasonable distance to obtain their mail; or

b. Lockbox or general delivery service may be provided at the nearest postal facility where carrier delivery emanates.

155.41 [Amended]

2. The following sentence is added at the end of 155.41:

Purchase, installation, maintenance, and replacement of delivery box equipment are not the responsibility of the U.S. Postal Service.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be

published in the FEDERAL REGISTER as provided in 39 CFR 111.3. (39 U.S.C. 101, 401(2), 403, 404(a)(1), 410(a).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-28034 Filed 10-3-78; 8:45 am]

[6820-25]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Temp. Reg. E-47, Supp. 4]

APPENDIX—TEMPORARY REGULATIONS

Teleprocessing Services Program

AGENCY: Automated Data and Telecommunications Service, General Service Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to April 30, 1979, the expiration date of FPMR temporary regulation E-47 regarding teleprocessing services program (TSP).

DATES: Effective date: October 1, 1978. Expiration date: April 30, 1979.

FOR FURTHER INFORMATION CONTACT:

L. Periman, 202-566-0834, Policy and Evaluation Division.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

In 41 CFR chapter 101, this temporary regulation is listed in the appendix at the end of subchapter E.

Dated: September 26, 1978.

JAY SOLOMON,
Administrator of General Services.

FEDERAL PROPERTY MANAGEMENT REGULATIONS
TEMPORARY REGULATION E-47 SUPPLEMENT 4

TO: Heads of Federal agencies.

SUBJECT: Teleprocessing Service Program (TSP).

1. *Purpose.* This supplement extends the expiration date of FPMR temporary regulation E-47.

2. *Effective date.* This regulation is effective October 1, 1978.

3. *Expiration date.* This supplement expires on April 30, 1979.

4. *Explanation of changes.* GSA issued FPMR temporary regulation E-47 on August 3, 1976, and extended its expiration date to September 30, 1977, through supplement 1 to E-47. Paragraph 9 of temporary regulation E-47 established interim procedures for acquiring teleprocessing services pending the determination that the TSP would be the mandatory means by which Federal agencies would acquire teleprocessing services. Supplement 2 to E-47 set

August 1, 1977, as the effective date for mandatory use of the TSP, thereby eliminating any need for the interim procedures established under paragraph 9. Effective August 1, 1977, paragraph 9 was canceled and appropriately remains canceled with the issuance of this directive. Supplement 3 to E-47 extended the mandatory procedures of the TSP to September 30, 1978. This supplement 4 revises the expiration date in paragraph 3 of FPMR temporary regulation E-47 to April 30, 1979, and cancels supplement 3.

[FR Doc. 78-28080 filed 10-3-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER 1—FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-681]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Reregulation of Radio and Television Broadcasting

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: As a result of its continuing study of the reregulation of broadcasting, the Commission continues the restructuring of part 73 of its rules into a more concise and orderly form by transferring to subpart H of part 73 all rules, the subject matter of which is common to AM, FM, and TV broadcasting stations but are at present repeated in each of the subparts for those services. Revisions are made in the rules where needed. Rules which are unique to a particular broadcasting service will remain in their respective subparts.

EFFECTIVE DATE: November 1, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John Reiser, Steve Crane, Philip Cross, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 22, 1978.

Released: October 16, 1978.

By the Commission: Commissioners Lee and Fogarty absent.

Order. In the matter of reregulation of radio and TV broadcasting.

1. In this order, the Commission continues the reorganization and restructuring

of its rule book for the AM, FM, and TV broadcast services.

2. With the adoption on July 12, 1978, of the reregulation order, FCC 78-502, 43 FR 32778, the Commission began its restructuring of parts 73 and 74 of volume III of the rules. Upon completion of the project, all rules in part 73 with subject matter common to AM, FM, and TV, will have been transferred to subpart H, which will bring about simplified access and better understanding of the regulations.

3. Implementation of the project continues in this order. Where appropriate, rule clarifications have been made for the reasons shown in the text. The alphabetical index will reflect each transfer and redesignation of section numbers, thus insuring the user of our rules a continuing, instant and easy-to-follow guide to FCC regulations in part 73. Also, the order continues the cross-referencing of the new section numbers under the old rule section headnotes in subparts A, B, C, and E. Much case law, many documents and policy statements reference these old section numbers and, for the present, we will retain them with the direction to "See § 73. New Subpart H number." When the restructuring is finished, a complete listing of the transfers will be made a part of the rules for such number of years as this type of record is needed.

4. The following sets forth in detail the changes made in this order:

(a) The rules regarding the hours for inspections of stations by FCC personnel, and the logs and records that the licensee must make available for such inspections are now found in §§ 73.97 (AM), 73.263 (FM), 73.563 (NCE-FM), and 73.665 (TV). Rules for availability of logs and records for inspections and investigations are further stated in § 1.6 (in subpt. A of pt. 1) which contains (FCC) "General Rules of Practice and Procedure," in § 1.613 (in subpt. D of pt. 1) which contains rules pertaining to (FCC) "Broadcast Application and Proceedings," and in §§ 73.116 (for AM), 73.286 (FM), 73.586 (NCE-FM), and 73.674 (TV). Via this order, these requirements are restated into two new rules: § 73.1225, "Station inspections by FCC," and § 73.1226, "Availability to FCC of station logs and records," and placed in subpart H, of part 73. Sections 1.6 and 1.613 will remain in part 1, and the eight separate broadcast rules will be deleted from subpart A, B, C, and E. The rules pertaining to public inspection of station's program logs are revised and designated new

¹Certain changes relax present requirements. No substantive changes are made which impose additional burdens or remove provisions relied upon by licensees or the public.

§ 73.1850 in subpart H, and positioned to follow the log rules. (See paragraph (h) of this order.) Rewriting is done for clarification purposes in these revisions.

(b) The rules regarding the posting of station and operator licenses are presently found in § 73.92 (AM stations), § 73.264 (FM stations), § 73.564 (NCE-FM stations), and § 73.660 (TV stations). These separate sections are deleted from their respective subparts, and the rule, which is applied exactly the same for all broadcast stations, is relocated in subpart H as § 73.1230, and retitled "Posting of operator and station licenses."

(c) Our rules prescribe certain procedures and make certain allowances for stations broadcasting emergency information to listeners/viewers in their areas when conditions exist which imperil life and property. These rules are titled "Operation during emergency" and are numbered §§ 73.98, 73.298, 73.597, and 73.675 in the separate subparts of part 73.

The rule title is herein changed to "Broadcasting emergency information." The present title, "Operation during emergency" has led many to conclude these rules pertained to station equipment emergencies which result in reduced broadcast service, caused by such "emergencies" as downed towers, equipment fires, power outages, and so forth.

Clarification revisions are made in the rule's text for ease of understanding and use with EBS activation directions. Relocated in subpart H as applicable to all broadcast services, it will be designated as § 73.1250, "Broadcasting emergency information."

(d) Extension meter regulations are in §§ 73.70 (AM stations), 73.276 (FM), 73.574 (NCE-FM), and 73.678 (TV). They are combined in this order into a single rule appropriate to all services, revised as needed for clarification, placed in subpart H and renumbered § 73.1550.

(e) References to international broadcast agreements which the United States has signed with other countries are presently found in part 73 in:

- § 73.15 NARBA and the United States/Mexican agreement (for AM);
- § 73.204 International agreements and other restrictions on use of channels (for FM);
- § 73.504 Noncommercial educational channel assignments under the United States-Mexico FM broadcast agreement (for NCE-FM); and
- § 73.608 International agreements (for TV).

The text of the AM and TV rules are fairly specific to the rule subject: international agreements. The FM and NCE-FM rules include, in addition, restrictions on use of channels in the FM subpart and, in the NCE-FM sub-

part, a table of allotment of NCE-FM channels in the area within 199 miles of the United States-Mexican border. Since these tables and restrictions are unique to these two services, they will remain there.

The new rule, placed in subpart H, has been streamlined and, for parties interested in the agreements, directions are given for reviewing them at the FCC in Washington, D.C., or procuring copies from our copy contractor. The rule is designated § 73.1650, International agreements.

The sections retained in the FM and NCE-FM subparts will be redesignated:

- § 73.220 Restrictions on use of channels; and
- § 73.504 Channel assignments under the United States-Mexico FM broadcast agreement.

(f) The umbrella term, "time of station operation," covers numerous rule sections which are spread throughout the subparts for the separate services. Some of the specific regulations are buried within a rule section, the title of which fails to reveal their location within that section.

Via this order, we redefine and rearrange these rules into 11 sections, with their titles clearly and solely related to the subject matter therein. The general term, "Operating Hours," will be used as an undersigned headnote for this group of rules.

The rules are relocated in subpart H with designations of section numbers and titles as follows:

OPERATING HOURS

- | | |
|---------|-------------------------------|
| Sec. | |
| 73.1700 | Broadcast day. |
| 73.1705 | Time of operation. |
| 73.1710 | Unlimited time. |
| 73.1715 | Share time. |
| 73.1720 | Daytime. |
| 73.1725 | Limited time. |
| 73.1730 | Specified hours. |
| 73.1735 | Presunrise service authority. |
| 73.1740 | Minimum operating schedule. |
| 73.1745 | Unauthorized operation. |
| 73.1750 | Discontinuance of operation. |

(g) The present TV rule for "Time of operation" (§ 73.651)—see paragraph immediately above—contains, in addition to that subject, directions for the functional operation of TV aural and visual transmitters (§ 73.651(c)). These "functional" directions are left in the TV subpart, edited for timeliness, placed in new § 73.653 and titled "Operation of TV aural and visual transmitters."

(h) The requirements relating to the various types of logs which a licensee must maintain are to be found in 24 different sections in the AM, FM, NCE-FM, and TV Subparts.

These 24 sections are herein rewritten and consolidated into 6 new sections, and placed in subpart H. The new section designations are:

- | | |
|---------|--|
| Sec. | |
| 73.1800 | General requirements relating to logs. |
| 73.1810 | Program logs. |
| 73.1820 | Operating logs. |
| 73.1830 | Maintenance logs. |
| 73.1840 | Retention of logs. |
| 73.1850 | Public inspection of program logs. |

As part of these revisions, we have excised from the rules §§ 73.116, 73.286, 73.586, and 73.674, "Availability of logs and records." These rules state which logs and records must be available for FCC inspection and also the terms of the availability of program logs for public inspection. The requirements pertaining to the logs and records to be made available to an FCC representative are relocated in the new section entitled "Station inspections by FCC" (new § 73.1225) and "Availability to the FCC of station logs and records." (New § 73.1226. See paragraph (a) of this order.) The terms of the program logs' availability for inspection by the public are then set forth in a new rule, § 73.1850 in subpart H, and titled "Public inspection of program logs" (as listed above).

A sensible relaxation pertaining to the automatic logging portion of the operating log rule is also made herein: Heretofore, the rule provided that an alarm circuit must operate continuously or the devices which recorded the parameters must read each parameter once during each 10-minute period. This is relaxed to once each 30-minute period.

Additionally, the rules on log corrections are moved into the general requirements section and plainly stated; clarification is added regarding computation of commercial time for religious and political programs; the texts of the automatic program and operating log regulations are embellished to clarify employee certifications and procedures in the event of equipment malfunction; and rewrites of the log rule texts and reformatting of paragraphs and subparagraphs are done as needed for easier comprehension.

(i) With this order, we add to the rules a separate section, and a new separate listing in the alphabetical index for "Fairness Doctrine." Heretofore, references to this important area of Commission policy were merely footnoted in the rule pertaining to personal attacks and political editorials. The new rule simply states that the Fairness Doctrine is in section 315(a) of the Communications Act, directs the rule user to the FCC public notice "Fairness Doctrine and the Public Interest Standards," 39 FR 26372, and includes information on obtaining copies of this document from the FCC.

The present rule section concerning personal attack and political editorials is herein divided into two separate rule sections (except NCE-FM, where edi-

torializing is not allowed). After appropriate test revisions, the three rules will be redesignated in subpart H as:

Sec.
73.1910 Fairness Doctrine.
73.1920 Personal attacks.
73.1930 Political editorials.

(j) The rules pertaining to broadcasts by candidates for public office were formerly contained in subparts A, B, C, and E of part 73. The rule numbers were §§ 73.120, 73.290, 73.590, and 73.657 for AM, FM, NCE-FM, and TV, respectively. These rules were combined into one rule and redesignated § 73.1940 in the report and order, "In the matter of * * * Broadcasts * * * By Candidates for Public Office," (BC Docket No. 78-103, adopted July 12, 1978; effective August 28, 1978).

In this order the rule is further clarified for broadcast licensees by additional paragraphs, which will reflect the requirements of sections 315 and 312 of the Communications Act. One further addition to the new rule directs the broadcasts attention to the new "Primer" in the public notice adopted by the Commission on July 20, 1978, entitled "The Law of Political Broadcasting and Cablecasting."

(k) The part 73 alphabetical index is revised to reflect the rule changes described herein. (Appendix B.)

5. We conclude that, for the reasons set forth above, adoption of these revisions will serve the public interest and inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. (b)(3)(B).

6. Therefore, it is ordered, That pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules and regulations are amended as set forth below, effective October 16, 1978.

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

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

1. Section 1.526 is amended to read as follows:

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

(a) * * *

(4) Such records as are required to be kept by § 73.1940 of this chapter,

concerning broadcasts by candidates for public office.

(10) Although not part of the regular file for public inspection, program logs for television and radio stations will be available for public inspection under the circumstances set forth in § 73.1860 and discussed in the Public and Broadcasting Procedural Manual; Revised Edition.

2. Section 1.527 is amended to read as follows:

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

(a) * * *

(4) Such records as are required to be kept by § 73.1940 of this chapter, concerning broadcasts by candidates for public office.

(c) * * *

(3) Although not part of the regular file for public inspection, program logs for TV and radio stations will be available for public inspection under the circumstances set forth in § 73.1860 and discussed in the Public and Broadcasting Procedural Manual; Revised Edition.

(g) *Period of retention.* the records specified in paragraph (a)(4) of this section shall be retained for the period specified in § 73.1940 of this chapter. The manual specified in paragraph (a)(6) of this section shall be retained indefinitely. The records specified in paragraphs (a) (1), (2), (3), (5), (7), (b), and (c) of this section shall be retained as follows:

3. Section 73.6 is amended to read as follows:

§ 73.6 Daytime.

See § 73.1720.

4. Section 73.9 is amended to read as follows:

§ 73.9 Broadcast day.

See § 73.1700.

5. Section 73.15 is amended to read as follows:

§ 73.15 NARBA and the U.S./Mexican Agreement.

See § 73.1650.

6. Section 73.23 is amended to read as follows:

§ 73.23 Time of operation of the several classes of stations.

See § 73.1705.

7. Section 73.38 is amended to read as follows:

§ 73.38 Limited time operation.

See § 73.1725.

8. Section 73.70 is amended to read as follows:

§ 73.70 Extension meters.

See § 73.1550.

9. Section 73.71 is amended to read as follows:

§ 73.71 Minimum operating schedule.

See § 73.1740.

10. Section 73.73 is amended to read as follows:

§ 73.73 Specified hours.

See § 73.1730.

11. Section 73.74 is amended to read as follows:

§ 73.74 Sharing time.

See § 73.1715.

12. Section 73.76 is amended to read as follows:

§ 73.76 Sharing time; experimental period.

See § 73.1715.

13. Section 73.77 is amended to read as follows:

§ 73.77 Sharing time; departure from regular schedule.

See § 73.1715.

14. Section 73.78 is amended to read as follows:

§ 73.78 Sharing time stations; notification to Commission.

See § 73.1715.

15. Section 73.79 is amended to read as follows:

§ 73.79 License to specify sunrise and sunset hours.

See § 73.1720.

16. Section 73.80 is amended to read as follows:

§ 73.80 Secondary station; filing of operating schedule.

See § 73.1725.

17. Section 73.81 is amended to read as follows:

§ 73.81 Secondary station; failure to reach agreement.

See § 73.1725.

18. Section 73.82 is amended to read as follows:

§ 73.82 Departure from schedule; material violation.
See § 73.1725.

19. Section 73.87 is amended to read as follows:

§ 73.87 Times and modes of program transmission.
See § 73.1745.

20. Section 73.91 is amended to read as follows:

§ 73.91 Discontinuance of operation.
See § 73.1750.

21. Section 73.92 is amended to read as follows:

§ 73.92 Station and operator licenses; posting of.
See § 73.1230.

22. Section 73.97 is amended to read as follows:

§ 73.97 Station inspection.
See § 73.1225.

23. Section 73.98 is amended to read as follows:

§ 73.98 Operation during emergency.
See § 73.1250.

24. Section 73.99 is amended to read as follows:

§ 73.99 Presunrise service authority.
See § 73.1735.

25. Section 73.111 is amended to read as follows:

§ 73.111 General requirements relating to logs.
See § 73.1800.

26. Section 73.112 is amended to read as follows:

§ 73.112 Program logs.
See § 73.1810.

27. Section 73.113 is amended to read as follows:

§ 73.113 Operating logs.
See § 73.1820.

28. Section 73.114 is amended to read as follows:

§ 73.114 Maintenance logs.
See § 73.1830.

29. Section 73.115 is amended to read as follows:

§ 73.115 Retention of logs.
See § 73.1840.

30. Section 73.116 is amended to read as follows:

§ 73.116 Availability of logs and records.
See §§ 73.1225 and 73.1850.

31. Section 73.123 is amended to read as follows:

§ 73.123 Personal attacks; political editorials.
See §§ 73.1910, 73.1920, and 73.1930.

32. Section 73.204 is amended to read as follows:

§ 73.204 International agreements and other restrictions on use of channels.
See §§ 73.220 and 73.1650.

33. New § 73.220 is added to subpart B, part 73, to read as follows:

§ 73.220 Restrictions on use of channels.
(a) The frequency 89.1 MHz (channel 206) is reserved in the New York City metropolitan area for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kilowatts, and the FCC will make no assignments which would cause objectionable interference with such use.
(b) In Alaska, the frequency band 88-100 MHz is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 87.9 through 99.9 MHz (channels 200 through 260) will not be assigned in Alaska for use by FM broadcast stations.
(c) In Hawaii, the frequency band 98-108 MHz is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 MHz (channels 251 through 300) will not be assigned in Hawaii for use by FM broadcast stations.

34. Section 73.261 is amended to read as follows:

§ 73.261 Time of operation.
See §§ 73.1705 and 73.1740.

35. Section 73.263 is amended to read as follows:

§ 73.263 Station inspection.
See § 73.1225.

36. Section 73.264 is amended to read as follows:

§ 73.264 Station and operator licenses; posting of.
See § 73.1230.

37. Section 73.271 is amended to read as follows:

§ 73.271 Discontinuance of operation.
See § 73.1750.

38. Section 73.276 is amended to read as follows:

§ 73.276 Extension meters.
See § 73.1550.

39. Section 73.281 is amended to read as follows:

§ 73.281 General requirements relating to logs.
See § 73.1800.

40. Section 73.282 is amended to read as follows:

§ 73.282 Program logs.
See § 73.1810.

41. Section 73.283 is amended to read as follows:

§ 73.283 Operating logs.
See § 73.1820.

42. Section 73.284 is amended to read as follows:

§ 73.284 Maintenance logs.
See § 73.1830.

43. Section 73.285 is amended to read as follows:

§ 73.285 Retention of logs.
See § 73.1840.

44. Section 73.286 is amended to read as follows:

§ 73.286 Availability of logs and records.
See §§ 73.1225 and 73.1850.

45. Section 73.298 is amended to read as follows:

§ 73.298 Operation during emergency.
See § 73.1250.

46. Section 73.300 is amended to read as follows:

§ 73.300 Personal attacks; political editorials.
See §§ 73.1910, 73.1920, and 73.1930.

47. Section 73.504 headnote is amended to read as follows:

§ 73.504 Channel assignments under the U.S.A.-Mexico FM Broadcast Agreement.
* * * * *

48. Section 73.561 is amended to read as follows:

§ 73.561 Operating schedule; time sharing.
* * * * *

NOTE.—See §§ 73.1705, 73.1715, and 73.1740.

49. Section 73.563 is amended to read as follows:

§ 73.563 Station inspection.
See § 73.1225.

50. Section 73.564 is amended to read as follows:

§ 73.564 Station and operator licenses; posting of.
See § 73.1230.

51. Section 73.571 is amended to read as follows:

§ 73.571 Discontinuance of operation.
See § 73.1750.

52. Section 73.574 is amended to read as follows:

§ 73.574 Extension meters.
See § 73.1550.

53. Section 73.581 is amended to read as follows:

§ 73.581 General requirements relating to logs.
See § 73.1800.

54. Section 73.582 is amended to read as follows:

§ 73.582 Program logs.
See § 73.1810.

55. Section 73.583 is amended to read as follows:

§ 73.583 Operating logs.
See § 73.1820.

56. Section 73.584 is amended to read as follows:

§ 73.584 Maintenance logs.
See § 73.1830.

57. Section 73.585 is amended to read as follows:

§ 73.585 Retention of logs.
See § 73.1840.

58. Section 73.586 is amended to read as follows:

§ 73.586 Availability of logs and records.
See §§ 73.1225 and 73.1850.

59. Section 73.597 is amended to read as follows:

§ 73.597 Operation during emergency.
See § 73.1250.

60. Section 73.598 is amended to read as follows:

§ 73.598 Personal attacks.
See §§ 73.1910 and 73.1920.

61. Section 73.608 is amended to read as follows:

§ 73.608 International agreements.
See § 73.1650.

62. Section 73.623 is amended to read as follows:

§ 73.623 Applications for sharing of television channels.
See § 73.1715.

63. Section 73.651 is amended to read as follows:

§ 73.651 Time of operation.
See §§ 73.653, 73.1705, and 73.1740.

64. New § 73.653 is added to Subpart E, Part 73, to read as follows:

§ 73.653 Operation of TV aural and visual transmitters.

(a) The aural and visual transmitters of a TV station shall not be operated separately, or to present different or unrelated program material, except in the following cases:

(1) Emergency fills due to either visual or aural equipment failures leaving the licensee with only the audio or video programming to announce the equipment failures to the audience;

(2) For equipment tests or experimentation pursuant to § 73.1510 (Experimental authorizations) and § 73.1520 (Operation for tests and maintenance).

(b) During visual transmissions of a test pattern, still pictures or slides, the aural transmission shall consist of a single tone, or series of variable tones; a presentation of the upcoming program schedule; aural news broadcasts; or music. This type program material shall not exceed 15 minutes immediately prior to the start of the station's programming for the day or for a total period not to exceed more than one hour in any broadcast day.

65. Section 73.660 is amended to read as follows:

§ 73.660 Station and operator licenses; posting of.
See § 73.1230.

66. Section 73.665 is amended to read as follows:

§ 73.665 Station inspection.
See § 73.1225.

67. Section 73.667 is amended to read as follows:

§ 73.667 Discontinuance of operation.
See § 73.1750.

68. Section 73.669 is amended to read as follows:

§ 73.669 General requirements relating to logs.
See § 73.1800.

69. Section 73.670 is amended to read as follows:

§ 73.670 Program logs.
See § 73.1810.

70. Section 73.671 is amended to read as follows:

§ 73.671 Operating logs.
See § 73.1820.

71. Section 73.672 is amended to read as follows:

§ 73.672 Maintenance logs.
See § 73.1830.

72. Section 73.673 is amended to read as follows:

§ 73.673 Retention of logs.
See § 73.1840.

73. Section 73.674 is amended to read as follows:

§ 73.674 Availability of logs and records.
See §§ 73.1225 and 73.1850.

74. Section 73.675 is amended to read as follows:

§ 73.675 Operation during emergency.
See § 73.1250.

75. Section 73.678 is amended to read as follows:

§ 73.678 Extension meters.
See § 73.1550.

76. Section 73.679 is amended to read as follows:

§ 73.679 Personal attacks; political editorials.
See §§ 73.1910, 73.1920 and 73.1930.

77. New § 73.1225 is added to part 73, subpart H, to read as follows:

§ 73.1225 Station inspections by FCC.

(a) The licensee of a broadcast station shall make the station available for inspection by representatives of the FCC during the station's business hours, or at any time it is in operation.

(b) In the course of an inspection or investigation, an FCC representative may require special equipment tests, program tests or operation with nighttime or presunrise facilities during daytime hours pursuant to § 0.314, Part 1, of the FCC rules.

(c) The following logs and records shall be made available upon request by representatives of the FCC:

(1) For AM stations. (i) Program, operating and maintenance logs.

(ii) Equipment performance measurements required by § 73.47.

(iii) Copy of the most recent antenna resistance or commonpoint impedance measurements submitted to the Commission.

(iv) Copy of the most recent field strength measurements made to establish performance of directional antennas required by § 73.151.

(v) Copy of the partial and skeleton directional antenna proofs of performance as directed by § 73.154 and made pursuant to the following requirements:

(A) Section 73.67, Remote control operation.

(B) Section 73.68, Sampling systems for antenna monitors.

(C) Section 73.69, Antenna monitors.

(D) Section 73.93, Operator requirements.

(vi) Chief operator agreements and contracts with first-class operators employed part time for maintenance duties.

(2) For FM stations. (i) Program, operating and maintenance logs.

(ii) Equipment performance measurements required by §§ 73.254 and 73.554.

78. New § 73.1226 is added to part 73, subpart H, to read as follows:

§ 73.1226 Availability to FCC of station logs and records.

The following shall be made available to any authorized representative of the FCC upon request:

(a) Station records and logs shall be made available for inspection or duplication at the request of the FCC or its representative. Such logs or records may be removed from the licensee's possession by an FCC representative or, upon request, shall be mailed by the licensee to the FCC by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by an FCC representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the FCC has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this Chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the chief of the law enforcement agency promptly certifies in writing to the FCC that removal of the logs or records will hinder law enforcement activities of the agency, stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records will be released to the FCC.

(c) The following contracts, agreements, or understandings, which need not be filed with the FCC (per § 1.613, Filing of contracts), shall be kept at the station and made available for inspection by any authorized representative of the FCC upon request: Contracts relating to the sale of broadcast time to "time brokers" for resale; sub-

channel leasing agreements for subsidiary communications authorization operation; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station; and contracts with the chief operators and other engineering personnel.

(iii) Chief operator agreements and contracts with first-class operators employed part-time for maintenance duties.

(3) For TV stations. (i) Program, operating and maintenance logs.

79. New § 73.1230 is added to subpart H, part 73, to read as follows:

§ 73.1230 Posting of station and operator licenses.

(a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such a manner that all terms are visible at the place the licensee considers to be the principal control point of the transmitter. At all other control or ATS monitoring and alarm points a photocopy of the station license and other authorizations shall be posted.

(b) The operator license or form 759 (verification of operator license or permit) of each station operator employed full-time or part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the licensee. The operator license shall be posted where the operator is on duty, either:

- (1) At the transmitter; or
- (2) At the extension meter location; or
- (3) At the remote control point, if the station is operated by remote control; or

(4) At the monitoring and alarm point, if the station is using an automatic transmission system.

(c) Posting of the operator licenses and the station license and any other instruments of authorization shall be done by affixing the licenses to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

80. New § 73.1250 is added to subpart H, part 73, to read as follows:

§ 73.1250 Broadcasting emergency information.

(a) Emergency situations in which the broadcasting of information is considered as furthering the safety of life and property include, but are not limited to the following: Tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows,

widespread fires, discharge of toxic gasses, widespread power failures, industrial explosions, civil disorders and school closings and changes in school bus schedules resulting from such conditions.

(b) If requested by responsible public officials, a station may, at its discretion, and without further FCC authority, transmit emergency point-to-point messages for the purpose of requesting or dispatching aid and assisting in rescue operations.

(c) If the Emergency Broadcast System (EBS) is activated for a national level emergency while a local or State level emergency operation is in progress, the national level EBS operation shall take precedence. If, during the broadcasting of local or State emergency information, the attention signal described in § 73.906 is used, the broadcasts are considered as being carried out under a State level or local level EBS operational plan.

(d) Any emergency operation undertaken in accordance with this section may be terminated by the FCC if required in the public interest.

(e) Immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages under paragraph (b) of this section, or when daytime facilities were used during nighttime hours by an AM station in accordance with paragraph (f) of this section, a report in letter form shall be forwarded to the FCC in Washington, D.C., setting forth the nature of the emergency, the dates and hours of the broadcasting of emergency information, and a brief description of the material carried during the emergency. A certification of compliance with the noncommercialization provision of paragraph (f) of this section must accompany the report where daytime facilities are used during nighttime hours by an AM station, together with a detailed showing, under the provisions of that paragraph, that no other broadcast service existed or was adequate.

(f) AM stations may, without further FCC authority, use their full daytime facilities during nighttime hours to broadcast emergency information (examples listed in paragraph (a) of this section), when necessary to the safety of life and property, in dangerous conditions of a general nature and when adequate advance warning cannot be given with the facilities authorized. Because of skywave interference impact on other stations assigned to the same channel, such operation may be undertaken only if regular, unlimited-time service, is non-existent, inadequate from the standpoint of coverage, or not serving the public need. All operation under this paragraph must be conducted on a non-

commercial basis. Recorded music may be used to the extent necessary to provide program continuity.

(g) Broadcasting of emergency information shall be confined to the hours, frequencies, powers and modes of operation specified in the station license, except as otherwise provided for AM stations in paragraph (f) of this section.

(h) Any emergency information transmitted by a TV station in accordance with this section shall be transmitted both aurally and visually or only visually. TV stations may use any method of visual presentation which results in a legible message conveying the essential emergency information. Methods which may be used include, but are not necessarily limited to, slides, electronic captioning, manual methods (e.g., hand printing) or mechanical printing processes. However, when emergency operation is being conducted under a national, State or local level Emergency Broadcast System (EBS) plan, emergency information shall be transmitted both aurally and visually.

81. New § 73.1550 is added to subpart H, part 73, to read as follows:

§ 73.1550 Extension meters.

(a) A broadcast station may, without further authority from the FCC, install and use extension meters and monitoring devices provided:

(1) The transmitter is in the same building as the normal operating location of the station's licensed operator and is no more than one floor above or below the normal operating location.

(2) The path from the normal operating location to the transmitter is no longer than 100 feet and provides the operator with ready access to the transmitter.

(3) The required extension meters and monitoring devices are sufficiently close to the operator's normal operating location that deviations from normal indications of such instruments can be observed from that location.

(4) The transmitter is installed and protected so it is not accessible to unauthorized persons.

(5) Each extension meter or monitoring device required for the type of station, pursuant to paragraph (b) of this section, shall continuously sample the parameter for which it is installed and constantly indicate that parameter.

(6) Installation and operation of these meters shall be in accordance with the requirements prescribed for their corresponding regular meters and monitoring devices.

(7) Devices used for obtaining extension meter indications do not affect the accuracy of their corresponding regular meters.

(b) Extension metering and monitoring devices shall be installed as follows:

(1) *AM stations.* (i) Meters for indicating the DC input power of the last radio frequency power amplifier stage of the transmitter.

(ii) A meter for indicating non-directional antenna current or directional antenna common point current.

(iii) The modulation monitor or a percentage modulation meter and peak indicating device which provides continuous and accurate indications of the modulation levels.

(iv) For stations using directional antenna systems, either the antenna monitor or external meters meeting the specifications for accuracy and repeatability prescribed for the monitor itself.

(2) *FM stations operating with transmitter output power more than 10 watts.* (i) Meters for indicating the DC input power to the last radio frequency power amplifier stage of the transmitter.

(ii) A meter for indicating the relative transmission line voltage, current or power.

(iii) The modulation monitor or a percentage modulation meter and peak indicating device which provide continuous and accurate indications of total modulation levels.

(3) *FM stations operating with transmitter power of 10 watts or less.* (i) An indicator to show when the transmitter is in operation.

(ii) A percentage modulation indicator or a calibrated program level meter from which a satisfactory indication of the percentage of modulation can be determined.

(4) *TV stations.* (i) Meters for indicating the DC input power to the last radio frequency power amplifier stages for the aural and visual transmitters.

(ii) Meters for indicating the relative transmission line voltage, current or power for the aural and visual transmitters.

(iii) The aural modulation monitor or a percentage modulation meter and peak indicating device which provide continuous and accurate indications of modulation levels.

(iv) Visual monitoring equipment suitable for monitoring the visual signal so that it may be maintained in accordance with the FCC requirements.

(c) The extension meters required, pursuant to paragraph (b) of this section, must be calibrated against their corresponding regular meters as often as necessary to insure their accuracy, but in no event less than once each week, and

(1) The results of such calibrations shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another remote or extension meter.

(3) Each extension meter shall be accurate to within 2 percent of the value read on its corresponding regular meter.

(4) For AM stations, such calibrations shall be made for each mode of operation.

(d) If a malfunction of any component of the extension metering or monitoring system causes inaccurate readings, the following procedures shall apply:

(1) *All stations.* If the malfunction affects the meters for indicating the DC input power to the last radio stage of the transmitter power amplifier, the indications must be read at the transmitter and entered in the operating log at the same intervals. If the malfunction affects the extended indications of the modulation monitor (aural) the licensee shall, pending repair or replacement, provide other suitable means for monitoring modulation at the extended meter location.

(2) *AM stations.* In addition to subparagraph (1) of this paragraph, if the malfunction affects the antenna or common point current indications, the regular antenna or common point ammeter may be read and the indications entered in the operating log once daily for each mode of operation pending the return to service of the extension antenna or common point ammeter. If the malfunction affects the extended indications of the directional antenna monitor, the pertinent entries required in the operating log must be read and logged at the specified intervals at the monitor location.

(3) *FM stations.* In addition to subparagraph (1) of this paragraph, if the malfunction affects the transmission line meter, the indications must be read at the transmitter and entered in the operating log at the same intervals.

(4) *TV stations.* In addition to subparagraph (1) of this paragraph, if the malfunction affects the transmission line meter(s), indications must be read at the transmitter and entered in the operating log at the same intervals. If the malfunction affects the indications of the visual monitoring equipment, the licensee shall, pending repair or replacement, provide other suitable means for monitoring the visual modulation at the extension meter location.

(e) When a malfunction in the extension metering or monitoring equipment is detected, an appropriate entry shall be made in the station's maintenance log showing the date of the observance and identifying the indicating device(s) affected. A dated entry shall also be made when repair or replacement is completed. If a malfunction

tioning component cannot be repaired or replaced within 60 days from the date faulty operation is detected, the Engineer in Charge of the radio district in which the station is located shall be notified and request made for such additional time as is needed to complete the necessary repairs or replacement.

82. New § 73.1650 is added to subpart H, part 73, as follows:

§ 73.1650 International broadcasting agreements.

(a) *AM broadcast station agreements.* (1) The U.S.A. is signatory to the North American Broadcasting Agreement (NAB) with the Bahama Islands and Jamaica, Canada, Cuba and the Dominican Republic.

(2) The U.S.A. and Mexico are signatories to a separate agreement (U.S./Mexican Agreement).

(3) The U.S.A. has separate, bilateral agreements with Canada, Mexico and the Bahama Islands pertaining to pre-sunrise authority.

(b) *FM broadcast stations agreements.* The U.S.A. is a signatory to separate, bilateral agreements concerning FM broadcast stations with the governments of Canada and Mexico.

(c) *TV broadcast station agreements.* The U.S.A. is signatory to separate, bilateral agreements concerning TV broadcast stations with the governments of Canada and Mexico.

(d) All AM, FM and TV broadcast stations agreements to which the U.S.A. is a signatory are available for inspection in the Office of the Chief, Broadcast Bureau of the FCC in Washington, D.C. Copies may be ordered from the FCC copy contractor. The contractor is:

Downtown Copy Center, 1114 21st Street NW., Washington, D.C. 20037.

83. A new undesignated headnote, **OPERATING HOURS**, is added to subpart H, immediately preceding § 73.1700, Broadcast Day.

OPERATING HOURS

84. New § 73.1700 is added to subpart H, part 73, to read as follows:

§ 73.1700 Broadcast day.

The term "broadcast day" means that period of time between the station's sign-on and its sign-off.

85. New § 73.1705 is added to subpart H, part 73, to read as follows:

§ 73.1705 Time of operation.

(a) Commercial and noncommercial educational TV and commercial FM stations will be licensed for unlimited time operation. Application may be made for voluntary share-time operation.

(b) Noncommercial educational FM stations will be licensed for unlimited

and share time operation according to the provisions of § 73.561.

(c) AM stations will be licensed for unlimited time, limited time, daytime, share time or specified hours.

86. New § 73.1710 is added to subpart H, part 73, to read as follows:

§ 73.1710 Unlimited time.

Operation is permitted 24 hours a day.

87. New § 73.1715 is added to subpart H, part 73, to read as follows:

§ 73.1715 Share time.

Operation is permitted by two or more broadcast stations using the same channel in accordance with a division of hours mutually agreed upon and considered part of their licenses.

(a) If the licenses of stations authorized to share time do not specify hours of operation, the licensee shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file it in triplicate original with each application to the FCC in Washington, D.C. for renewal of license. If and when such written agreements are properly filed in conformity with this section, the file mark of the FCC will be affixed thereto, one copy will be retained by the FCC, one copy forwarded to the engineer in charge of the radio district in which the station is located, and one copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

(b) If the licensees of stations authorized to share time are unable to agree on a division of time, the FCC in Washington, D.C. shall be so notified by a statement filed with the applications for renewal of licenses. Upon receipt of such statement, the FCC will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

(c) A departure from the regular schedule in a time-sharing agreement will be permitted only in cases where an agreement to that effect is put in writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the FCC in Washington, D.C. prior to the time of the time of the proposed change. If time is of the essence, the actual departure in operating schedule

may precede the actual filing of written agreement, provided appropriate notice is sent to the FCC.

(d) If the license of an AM station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared: *And further provided*, Such operation is not in conflict with § 73.72 (Operating during the experimental period). Time-sharing agreements for operation during the experimental period need not be submitted to the FCC.

(e) Noncommercial educational FM stations are authorized for share time operation according to the provisions of § 73.561.

88. New § 73.1720 is added to subpart H, part 73, to read as follows:

§ 73.1720 Daytime.

Operation is permitted during the hours between average monthly local sunrise and average monthly local sunset.

(a) The controlling times for each month of the year are stated in the station's instrument of authorization. Uniform sunrise and sunset times are specified for all of the days of each month, based upon the actual times of sunrise and sunset for the fifteenth day of the month adjusted to the nearest quarter hour. Sunrise and sunset times are derived by using the standardized procedure and the tables in the 1946 American Nautical Almanac issued by the United States Naval Observatory.

89. New § 73.1725 is added to subpart H, part 73, to read as follows:

§ 73.1725 Limited time.

(a) Operation is applicable only to class II (secondary) AM stations on a clear channel with facilities authorized before November 30, 1959. Operation of the secondary station is permitted during daytime and until local sunset if located west of the dominant station on the channel, or until local sunset at the dominant station if located east of that station. Operation is also permitted during nighttime hours not used by the dominant station or stations on the channel.

(b) No authorization will be granted for:

- (1) A new limited time station;
- (2) A limited time station operating on a changed frequency;
- (3) A limited time station with a new transmitter site materially closer to the 0.1 mV/m contour of a co-channel U.S. class I station; or
- (4) Modification of the operating facilities of a limited time station result-

ing in increased radiation toward any point on the 0.1mV/m contour of a co-channel U.S. class I station during the hours after local sunset in which the limited time station is permitted to operate by reason of location east of the class I station.

(c) The licensee of a secondary station which is authorized to operate limited time and which may resume operation at the time the dominant station (or stations) on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule. It shall bear a signed notation by the licensee of the dominant station of its objection or lack of objection thereto. Upon approval of such operating schedule, the FCC will affix its file mark and return one copy to the licensee authorized to operate limited time. This shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only pursuant to § 73.1715 (Share time).

(d) If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the FCC in Washington, D.C. shall be so notified by the licensee of the station authorized limited time. After receipt of such notice, the FCC will designate for hearing the applications of both stations for renewal of license and, pending the hearing, the schedule previously adhered to shall remain in full force and effect.

90. New § 73.1730 is added to subpart H, part 73, to read as follows:

§ 73.1730 Specified hours.

(a) Specified hours stations must operate in accordance with the exact hours specified in their license. However, such stations, operating on local channels, unless sharing time with other stations, may operate at hours beyond those specified in their licenses to carry special events programming. When such programs are carried during nighttime hours, the station's authorized nighttime facilities must be used.

(b) Other exceptions to the adherence to the schedule of specified hours of operation are provided in § 73.72 (Operating during the experimental period), § 73.1250 (Broadcasting emergency information) and § 73.1740 (Minimum operating schedule).

91. New § 73.1735 is added to subpart H, part 73, to read as follows:

§ 73.1737 Presunrise service authority (PSA).

Licensees of certain classes of AM stations are eligible to request presunrise service authority (see § 73.99).

92. New § 73.1740 is added to subpart H, part 73, to read as follows:

§ 73.1740 Minimum operating schedule.

(a) All commercial broadcast stations are required to operate not less than the following minimum hours:

(1) *AM and FM stations.* Two-thirds of the total hours they are authorized to operate between 6 a.m. and 6 p.m. local time and two-thirds of the total hours they are authorized to operate between 6 p.m. and midnight, local time, each day of the week except Sunday.

(i) Daytime AM stations need comply only with the minimum requirements for operation between 6 a.m. and 6 p.m., local time.

(2) *TV stations.* (i) During the first 36 months of operation, not less than 2 hours daily in any 5 broadcast days per calendar week and not less than a total of:

(A) 12 hours per week during the first 18 months.

(B) 16 hours per week during the 19th through 24th months.

(C) 20 hours per week during the 25th through 30th months.

(D) 24 hours per week during the 31st through 36th months.

(ii) After 36 months of operation, not less than 2 hours in each day of the week and not less than a total of 28 hours per calendar week.

(iii) Visual transmissions of test patterns, slides, or still pictures accompanied by unrelated aural transmissions may not be counted in computing program service (see § 73.653).

(3) "Operation" includes the period during which the station is operated pursuant to temporary authorization or program tests, as well as during the license period.

(4) In the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the licensee will so notify the FCC of this date. If the causes beyond the control of the licensee make it impossible to comply within

the allowed period, informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.

(b) Noncommercial educational AM and TV stations are not required to operate on a regular schedule and no minimum hours of operation are specified; but the hours of actual operation during a license period shall be taken into consideration in the renewal of noncommercial educational AM and TV broadcast licenses. Noncommercial educational FM stations are subject to the operating schedule requirements according to the provisions of § 73.561.

93. New § 73.1745 is added to subpart H, part 73, to read as follows:

§ 73.1745 Unauthorized operation.

(a) No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.

(b) Any unauthorized departure from an operating schedule which is required to be filed with the FCC in Washington, D.C., will be considered as a violation of a material term of the license.

94. New § 73.1750 is added to subpart H, part 73, to read as follows:

§ 73.1750 Discontinuance of operation.

The licensee of each station shall notify the FCC in Washington, D.C., and the Engineer in Charge of the radio district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. Immediately after discontinuance of operation, the licensee shall forward the station license and other instruments of authorization to the Washington, D.C., office of the FCC for cancellation.

95. New § 73.1800 is added to subpart H, part 73, to read as follows:

§ 73.1800 General requirements relating to logs.

(a) The licensee of each station shall maintain program, operating and maintenance logs as set forth in §§ 73.1810, 73.1820, and 73.1830. Each log shall be kept by the station employee or employees (or contract operator) competent to do so, having actual knowledge of the facts required. The person keeping the log must make entries that accurately reflect the operation of the station. In the case of program and operating logs, the employee shall sign the appropriate log when starting duty and again when going off duty and setting forth the time of each. In the case of maintenance logs, the employee shall sign the log upon completion of the required maintenance and inspection en-

tries. When the employee keeping a program or operating log signs it upon going off duty or completing maintenance log entries, that person attests to the fact that the log, with any corrections or additions made before it was signed, is an accurate representation of what transpired.

(b) The logs shall be kept in an orderly and legible manner, in suitable form and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time and shall be indicated as advanced (e.g., e.d.t.) or non-advanced time (e.g., e.s.t.).

(c) Any necessary corrections of a manually kept log after it has been signed in accordance with paragraph (a) of this section shall be made only by striking out the erroneous portion and making a corrective explanation on the log or attachment to it. For program logs, such corrections shall be dated and signed by the person who kept the log or the program director, or the station manager or an officer of the licensee. For operating and maintenance logs, such corrections shall be dated and signed by the person who kept the log or the station technical supervisor, the station manager, or an officer of the licensee.

(d) No automatically kept log shall be altered in any way after entries have been recorded. When automatic logging processes fail or malfunction, the log must be kept manually for that period and in accordance with the requirements of this section.

(e) No log, or portion thereof, shall be erased, obliterated or willfully destroyed during the period in which it is required to be retained. (Section 73.1840, Retention of logs.)

(f) Entries shall be made in the logs as required by §§ 73.1810, 73.1820 and 73.1830. Additional information such as that needed for administrative or operational purposes may be entered on the logs. Such additional information, so entered, shall not be subject to the restrictions and limitations in the FCC's rules on the making of corrections and changes in logs and may be physically removed, without otherwise altering the log in any way, before making the log a part of an application or available for public inspection.

(g) The operating log and the maintenance log may be kept individually on the same sheet in one common log, at the option of the licensee.

(h) Application forms for licenses and other authorizations require that certain operating and program data be supplied. These application forms should be kept in mind in connection

with maintenance of station program and operating records.

96. New § 73.1810 is added to subpart H, part 73, to read as follows:

§ 73.1810 Program logs.

COMMERCIAL STATIONS

(a) Commercial stations shall keep a program log in accordance with the provisions of § 73.1800 for each broadcast day which, in this context, means from the station's sign-on to its sign-off.

(b) Entries. The following entries shall be made in the program log:

(1) For each program. (i) An entry identifying the program by name or title.

(ii) entries which indicate the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once. The program units which the licensee wishes to count separately shall then be entered underneath the entry for the longer program, with the beginning and ending time of each such unit.

(iii) An entry classifying each program as to type, using the definitions given in paragraph (d)(1) of this section.

(iv) An entry classifying each program as to source, using the definitions set forth in paragraph (d)(2) of this section. (For network programs, also give name or initials of the network, e.g., ABC, CBS, NBC, Mutual.)

(v) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidate.

(2) For commercial matter. (i) An entry identifying: The sponsor(s) of the program, the person(s) who paid for the announcement or the person(s) who furnished materials or services. The entry shall constitute a representation that identification was announced on the air as required by section 317 of the Communications Act and § 73.1212 of the FCC's rules. See paragraph (d)(3) of this section for the definition of commercial matter.

(ii) An entry or entries showing the total duration of commercial matter in each hourly time segment (beginning on the hour) or the duration of each commercial message (commercial continuity in sponsored programs, or commercial announcements) in each hour. See paragraph (d)(3)(iii) of this section concerning computation of commercial time.

(3) For public service announcements. An entry showing that a public service announcement (PSA) has been

broadcast together with the name of the organization or interest on whose behalf it is made. See paragraph (d)(4) of this section for definition of a public service announcement.

(4) For other announcements. (i) An entry of the time that each required station identification announcement is made (pursuant to § 73.1201).

(ii) An entry for each announcement presenting a political candidate, showing the name and political affiliation of such candidate.

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 1.580 (pre-grant), 1.594 (designation for hearing) and 73.1202 (licensee obligations), showing the time it was broadcast.

(iv) An entry for each announcement made pursuant to § 73.1203 concerning the broadcast of taped, filmed or recorded material.

(5) For Emergency Broadcast System Operations. An entry for tests of the EBS procedures pursuant to the requirements of subpart G of this part and the appropriate station EBS checklist, unless such entries are consistently made in the station operating log.

(c) National network programming. A station broadcasting the programs of a national network which will supply it with all information as to such programs for the composite week need not log such data but shall record in its log the time when it joined the network, the name of each network program broadcast, the time it leaves the network, and any non-network matter broadcast which is required to be logged. The information supplied by the network for the composite week which the station will use in its renewal application, shall be retained with the program logs and associated with the log pages to which it relates.

(d) Definitions.—(1) Program type. The definitions of the first eight types of programs (i) through (viii), below, are intended not to overlap each other and will normally include all the various programs broadcast. Definitions (ix) through (xi) are subcategories and the programs classified thereunder will also be classified under one of the appropriate first eight types. There may also be further duplication within types (ix) through (xi) (e.g., a program presenting a candidate for public office, prepared by an educational institution, would be classified as public affairs (PA), political (POL) and educational institution (ED)).

(i) Agricultural programs (A) include market reports, farming or other information specifically addressed, or primarily of interest to the agricultural population.

(ii) Entertainment programs (E) include all programs intended primarily

as entertainment, such as music, drama, variety, comedy, quiz, etc.

(iii) *News programs (N)* include reports dealing with current local, national, and international events, including weather and stock market reports; and commentary, analysis and sports news when an integral part of a news program.

(iv) *Public affairs programs (PA)* are programs dealing with local, State, regional, national, or international issues or problems, including, but not limited to, talks, commentaries, discussions, speeches, editorials, political programs, documentaries, mini-documentaries, panels, roundtables, vignettes, and extended coverage (whether live or recorded) of public events or proceedings, such as local council meetings, congressional hearings and the like.

(v) *Religious programs (R)* include sermons or devotionals; religious news; and music, drama and other types of programs designed primarily for religious purposes.

(vi) *Instructional programs (I)* are primarily intended to instruct. They further the appreciation or understanding of such subjects as literature, music, fine arts, history, geography, the natural and social sciences, hobbies and occupations and vocations.

(vii) *Sports programs (S)* include play-by-play and pre-game or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instruction, etc.).

(viii) *Other programs (O)* include all programs not falling within definitions (i) through (vii).

(ix) *Editorials (EDIT)* include programs presented for the purpose of stating opinions of the licensee.

(x) *Political programs (POL)* include those which present candidates for political office or which give expressions (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(xi) *Educational Institution programs (ED)* include those prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's, or similar organizations. Sport programs shall not be included.

(2) *Program source.*—(i) *A local program (L)* is any program originated or produced by the station or for the production of which the station is primarily responsible, employing live talent more than 50 percent of the time. Such a program, taped, recorded or filmed for later broadcast, shall be classified as local. A local program fed to a network shall be classified by the originating station as local. Programs primarily featuring records, tapes, syndicated or feature film or other nonlocally recorded programs, shall be clas-

sified as recorded (REC) even though a station announcer appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local. For example, if during the course of a program featuring records or films, a non-network 2-minute news report is given and logged as a news program, the report may be classified as local.

(ii) *A network program (NET)* is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

(iii) *A recorded program (REC)* is any program not otherwise defined in this paragraph including, without limitation, those using recordings, tapes or films.

(3) *Commercial matter (CM)* includes commercial continuity (network and nonnetwork) and commercial announcements (network and non-network) as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish the two types of commercial matter when logging.)

(i) *Commercial continuity (CC)* is the advertising message of a program sponsor.

(ii) *A commercial announcement (CA)* is any other advertising message for which a charge is made, or other consideration is received. Included are bonus spots, trade-out spots, promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program, and promotional announcements broadcast by any AM, FM or TV station for another commonly owned or controlled station serving the same community.

(iii) *Computation of commercial time:* Duration of commercial matter shall be as close an approximation to the time consumed as possible. The amount of commercial time scheduled will usually be sufficient. It is not necessary, for example, to correct an entry of a 1-minute commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled time. However, it is incumbent upon the licensee to ensure that the entry represents as close an approximation of the time actually consumed as possible. For certain sponsored programs, it is difficult to measure the exact length of what would be considered as commercial matter, e.g., some sponsored religious and political programs. For such pro-

grams, the licensee is not required to compute the amount of commercial matter, but merely to log and announce the program as sponsored. This exception does not apply to any program advertising commercial products or services, not to any commercial announcements.

(4) *Public service announcement (PSA)* in one for which no charge is made and which promotes programs, activities or services of Federal, State or local governments (e.g., recruiting, sales of U.S. Savings Bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g. UGF, Red Cross, Blood Donations, etc.) or any other announcements regarded as serving community interests.

NONCOMMERCIAL EDUCATIONAL STATIONS

(e) A program log for stations licensed or operating as noncommercial educational stations shall be kept in accordance with the provisions of §73.1810 for each broadcast day, which, in this context means from the station's sign-on to its sign-off.

(f) *Entries:* The following entries shall be made in the program log:

(1) *For each program.* (i) An entry identifying the program by name or title.

(ii) Entries which indicate the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once. The program units which the licensee wishes to count separately shall then be entered underneath the entry for the longer program with the beginning and ending time of each such unit.

(iii) An entry classifying each program as to source using the definitions set forth in paragraph (h)(1) of this section. (For network programs, also give name or initials or network, e.g., PBS, NPR, etc.)

(iv) An entry classifying each program as to type, using the definitions set forth in paragraph (h)(2) of this section.

(v) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidates.

(2) *For donor announcements.* An entry giving the name(s) of any donor(s) or person(s) furnishing money, service or other valuable consideration, in accordance with the provisions of §§ 73.503, 73.621, including Notes, and § 73.1212, respectively; and the entry shall constitute a representation that identification was announced on the air in accordance with

the provisions of those sections and section 317 of the Communications Act. As an alternative to giving the name, an entry of the word "Donor(s)" may be made, provided that the log shall clearly indicate that the name of the donor(s) or person(s) is retained in the station's public file. Such information for a given series of programs need be entered in the public file only once: *Provided*, The information is identical for each program in the series. The information shall be retained in the public file for a period of two years. Program logs submitted to the FCC must include a list of the names of donors indicated thereon.

(3) *For public service announcements.* An entry showing that a public service announcement (PSA) has been broadcast, together with the name of the organization or interest on whose behalf it is made. See paragraph (h)(3) of this section for definition of a public service announcement.

(4) *For other announcements.* (i) An entry of the time that each required station identification announcement is made pursuant to § 73.1201.

(ii) An entry for each announcement presenting a political candidate showing the name and political affiliation of such candidate.

(iii) An entry for each announcement made pursuant to the local notice requirements of § 1.580 (pregrant) and § 1.594 (designation of hearing), showing the time it was broadcast.

(iv) An entry for each announcement made pursuant to § 73.1208 concerning the broadcast of taped, filmed or recorded material.

(5) *For emergency broadcast system operations.* An entry for each test of the EBS procedures pursuant to the requirements of subpart G of this part and the appropriate station EBS checklist, unless such entries are consistently made in the station operating log.

(g) *Network programming.* A station broadcasting the programs of a network (see "network program," paragraph (h)(1)(iii) of this section) which will supply it with all information as to such programs necessary for the "full week of operation" (FCC form 342) need not log such data but shall record in its log the name of each network program broadcast, the time the program was broadcast (beginning and ending) and any non-network matter broadcast which is required to be logged. The information supplied by the network for the "full week" which the station will use in its renewal application shall be retained with the program logs and associated with the log pages to which it relates.

(h) *Definitions.*—(1) *Program source.*—(i) A local program (L) is any

program originated or produced by the station or for the production of which the station is primarily responsible, employing live talent more than 50 percent of the time. Such a program, taped, filmed or recorded for later broadcast, shall be classified as local. A local program fed to the network shall be classified by the originating station as local.

(ii) A record program (REC) (radio only) is any program not falling within the definition of "local" above, which utilizes records, transcriptions or taped music, with or without commentary by a local announcer or other station personnel.

(iii) A network program (NET) is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

(iv) Other programs (OTHER) are any programs not defined above, including, without limitation, syndicated and feature films, and taped or transcribed programs.

(2) *Program type.*—(i) *Instructional* (I) include all programs designed to be utilized by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers and college credit courses are examples of instructional programs.

(ii) *General educational* (GEN) is an educational program for which no formal credit is given.

(iii) *Performing arts* (A) is a program in which the performing aspect predominates such as drama or concert, opera or dance.

(iv) *News* (NS) programs include reports dealing with current local, national and international events, including weather and stock market reports; and commentary, analysis or sports news when an integral part of a news program.

(v) *Public affairs* (PA) includes programs dealing with local, state, regional, national or international issues or problems, including, but not limited to, talks, commentaries, discussions, speeches, political programs, documentaries, mini-documentaries, panels, roundtables, vignettes and extended coverage (whether live or recorded) of public events or proceedings such as local council meetings, congressional hearings, and the like.

(vi) *Light entertainment* (LE) includes programs consisting of popular music or other light entertainment.

(vii) *Other* (O) includes all programs not falling within the definitions of Instructional, General Education, Performing Arts, News, Public Affairs or Light Entertainment. Sports programs should be reported as "Other."

(3) *Public service announcement* (PSA) is one which promotes pro-

grams, activities, or services of Federal, State or local governments (e.g., recruiting, sales of U.S. Savings Bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross, Blood Donations, etc.), or any other announcement regarded as serving community interest. See, however, §§ 73.503(d) and 73.621(e) with respect to the preclusion of announcements promoting the sale of a product or service.

ALL STATIONS, COMMERCIAL AND NONCOMMERCIAL

(i) *Manually kept logs.* Entries on a manually kept log may be made either at the time of or prior to broadcast. The employee responsible for keeping the log shall sign the log when starting duty and when going off duty and enter the time of each. If entries are preprinted prior to broadcast and any deviation therefrom occurs in what was actually broadcast, an appropriate correction must be made on the log. When the employee keeping the log signs the log upon going off duty, that person attests to the fact that the log, with any corrections or additions made before he signed off, is an accurate representation of what was actually broadcast.

(j) *Automatically kept logs.* (1) Entries on an automatically kept program log may be made by automatic logging instruments with sequential language printouts corresponding to manually kept log entries.

(2) An employee on duty shall be responsible for the automatic logging process and the keeping of the log. In the event of failure or malfunctioning of the automatic logging process, the person responsible for the log shall make the required entries in the log manually.

(3) The employee responsible shall sign the log, or a separate page to be affixed to the log, when starting duty and when going off duty and enter the time of each. The signature when going off duty constitutes a certification that, as to the automatic printout part of the log, the employee checked the automatic logging equipment periodically throughout the tour and that to the best of his knowledge and belief, at no time during his tour did it fail or malfunction, unless otherwise noted above the signature; and that, as to any part of the log which was kept manually with any corrections or additions made thereon before signing off duty, it was an accurate representation of what was actually broadcast.

(k) *Automatic maintenance of logging data.* (1) An employee on duty shall be responsible for any automatic maintenance of data and the keeping of the log. In the event of failure or malfunctioning of the said automatic process, the employee responsible for the log

shall make the required entries in the log manually at that time.

(2) The employee responsible shall sign, on a separate page to be affixed to the logging data, when starting duty and when going off duty and enter the time of each. The signature, when going off duty, constitutes a certification that the employee periodically checked the automatic maintenance of data equipment throughout the tour and to the best of his knowledge and belief it did not fail or malfunction, unless otherwise noted above the signature. The signature further certifies that any part of the log which was kept manually is an accurate representation of what was actually broadcast.

(3) The licensee shall extract any required information from automatically maintained program logging data for days specified by the FCC or its duly authorized representative and submit it in written form, together with the underlying recording, tape or other means employed, within such time as the FCC may specify.

(1) *Information required.* The licensee, whether employing manual logging, automatic logging or automatic maintenance of logging data, or any combination thereof, must be able to accurately furnish the FCC with all information required to be logged.

97. New § 73.1820. is added to subpart H, part 73, to read as follows:

§ 73.1820 Operating logs.

(a) Entries shall be made in the operating log either manually by a properly licensed operator in actual charge of the transmitting apparatus, or by automatic devices meeting the requirements of paragraph (b) of this section. Indications of operating parameters shall be logged prior to any adjustment of the equipment. Where adjustments are made to restore parameters to their proper operating values, the corrected indications shall be logged and accompanied, if any parameter deviation was beyond a prescribed tolerance, by a notation describing the nature of the corrective action. Indications of all parameters whose values are affected by modulation of the carrier shall be read without modulation. The actual time of observation shall be included in each log entry. The following information must be entered.

(1) *All stations:* (i) Entries of the time the station begins to supply power to the antenna and the time it ceases to do so.

(ii) Entries required by § 17.49(a), (b) and (c) of this chapter concerning the time the tower lights are turned on and off each day if manually controlled, the time the daily check of proper operation of the tower lights was made if an automatic alarm system is not used, and any observed

failure of the lighting system. See § 17.47(a) for daily tower lighting observation or automatic alarm system requirements.

(iii) Any entries not specifically required in this section, but required by the instrument of authorization or elsewhere in this part.

(iv) An entry of each test of the emergency broadcast system procedures pursuant to the requirements of subpart G of this part and the appropriate station EBS checklist, unless such entries are consistently made in the station program log.

(2) *AM stations.* (i) An entry at the beginning of operations and at intervals not exceeding 3 hours, of the following (actual readings observed prior to making any adjustments to the equipment and an indication of any corrections to restore parameters to normal operating values):

(A) Operating constants for determining the DC input power to the last radio frequency power amplifier stage of the transmitter (plate voltage and current or other parameters appropriate for the type of amplifier used).

(B) Antenna current for nondirectional operation or common point current for directional operation.

(ii) The additional entries required by § 73.51(c)(2) when power is being determined by the indirect method.

(iii) For stations with directional antennas, the following additional indications shall be read and entered in the operating log at the time of commencement of operation in each mode and thereafter, at successive intervals not exceeding three hours in duration:

(A) Antenna monitor phase or phase deviation indications.

(B) Antenna monitor sample currents, current ratios, or ratio deviation indications.

(3) *FM stations.* (i) For each station licensed for transmitter output power greater than 10 watts, an entry, at the beginning of operation and at intervals not exceeding 3 hours, of the following (actual reading observed prior to making any adjustments to the equipment and an indication of any corrections made to restore parameters to normal operating values):

(A) Operating constants for determining the DC input power to the last radio frequency power amplifier stage of the transmitter (plate voltage and current or other parameters appropriate for the type of amplifier used).

(B) RF transmission line meter readings when the transmitter operating power is determined by the direct method.

(4) *TV stations.* (i) An entry at the beginning of operation and at intervals not exceeding 3 hours, of the following (actual readings observed prior to making any adjustments to the equipment and an indication of any

corrections to restore parameters to normal operating values):

(A) Operating constants for determining the DC input power to the last radio frequency power amplifier stage of the aural transmitter (plate voltage and current or other parameters appropriate for the type of amplifier used) if power of the aural transmitter is being determined by the indirect method.

(B) RF transmission line meter readings for visual transmitter, and also for the aural transmitter when the aural transmitter operating power is determined by the direct method.

(C) For remote control operation, the results of observations of vertical interval test signal (VIT) transmissions (see § 73.676(f)).

(b) Automatic devices accurately calibrated and with appropriate time, date and circuit functions may be utilized to record the entries in the operating log provided:

(1) The recording devices do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded;

(2) The recording devices have an accuracy equivalent to the accuracy of the indicating instruments;

(3) The calibration is checked against the original indicators at least once each calendar week and the results noted in the maintenance log;

(4) Provision is made to actuate automatically an aural alarm circuit located near the operator on duty if any of the automatic log readings are not within the tolerances or other requirements specified in the rules or station license;

(5) The alarm circuit operates continuously or the devices which record each parameter in sequence must read each parameter at least once during each 30-minute period;

(6) The automatic logging equipment is located at the remote-control point if the transmitter is remotely controlled, or at the transmitter location if the transmitter is manually controlled;

(7) The automatic logging equipment is located in the near vicinity of the operator on duty and is inspected periodically during the broadcast day. In the event of failure of malfunctioning of the automatic equipment, the employee responsible for the log shall make the required entries in the log manually at that time.

(8) The indicating equipment conforms to the requirements of § 73.1215 (Indicating instruments—specifications) except that the scales need not exceed 2 inches in length. Arbitrary scales may not be used.

(c) In preparing the operating log, original data may be recorded in rough form and later transcribed into the log.

(d) If required by AM or FM station operator requirements, each completed operating log shall bear a signed notation by the station's designated chief operator of the results of the review of that log, and show the date and time of such review.

98. New § 73.1830 is added to subpart H, part 73, to read as follows:

§ 73.1830 Maintenance logs.

(a) The licensee of each broadcast station shall keep a maintenance log. Entries in the log shall be made by the holder of a radiotelephone first-class license (or the holder of a radiotelephone second-class license for noncommercial educational FM stations authorized to operate with a transmitter output power of 1 kilowatt or less), and shall reflect the results of maintenance procedures or of observations performed. The following information shall be entered.

(1) *All stations.* (i) An entry of the time and result of auxiliary transmitter test(s).

(ii) An entry of the calibration check of automatic logging devices when used under the provisions of § 73.1820 (Operating logs).

(iii) An entry of all carrier frequency measurements, including the date performed and description of method used as required by § 73.1540 (Carrier frequency measurements).

(iv) An entry of the results of calibration of extension meters used against their corresponding regular meters as required by § 73.1550 (Extension meters).

(v) An entry of the results of calibration of indicating instruments at each remote control point against the corresponding instruments at the transmitter site, as required by the rules for use of remote control (AM, § 73.67; FM, § 73.275; NCE-FM, § 73.573; and TV, § 73.676).

(vi) The entries required by § 17.49(d) of this chapter concerning quarterly inspections of the condition of tower lights and associated control equipment and entries when towers are cleaned or repainted as required by § 17.50 of this chapter.

(vii) An entry to describe fully any experimental operation pursuant to § 73.1510 (Experimental operation) and § 73.1520 (Operation for tests and maintenance).

(viii) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective:

- (A) Modulation monitor (aural).
- (B) Any transmission system meter, the reading of which is required to be entered into the station operating or maintenance log.
- (C) Devices for monitoring or generating the EBS Attention Signal.

(2) *AM stations.* In addition to the entries specified in subparagraph (a)(1) of this section:

(i) An entry of the calibration check of remote reading antenna and common point ammeters against their corresponding regular meters when used under the provisions of § 73.57, including the actual readings of the meters prior to and after calibration.

(ii) For stations using directional antennas, an entry of the calibration of the antenna monitor using procedures specified by the monitor manufacturer's instructions.

(iii) For stations using directional antennas, an entry of the result of field strength measurements made at the specified monitoring points if such measurements are required either by the terms of the station license or § 73.93(e)(4) (Operator requirements).

(iv) For stations using directional antennas, an entry of the following observations (made without modulation if readings are affected by modulation) for each directional radiation pattern. Observations must be made at least three days of each calendar week, not less than 44 hours, nor more than 76 hours, apart.

(A) Common point current.
(B) Base currents, their ratios, and the deviations of those ratios, in percent, from values specified in the station authorization.

(C) Antenna monitor sample currents or current ratios and computed deviations of current ratios, in percent, from values specified in the station authorization.

(D) Antenna monitor phase indications and the deviations of those indications, in degrees, from values specified in the station authorization.

NOTE.—Direct control stations having a radiotelephone first-class operator on duty for all periods of directional antenna operation and having a station authorization permitting antenna base current readings at less frequent intervals than specified in this subparagraph, may make entries pursuant to the schedule specified in that authorization.

(v) Entries specified in § 73.68 (Sampling systems for antenna monitors) or § 73.69 (Antenna monitors), for stations using directional antennas, when the antenna sampling system or the antenna monitor is out of service.

(vi) A signed statement by the inspecting operator upon completion of the inspection required by § 73.93 showing that the inspection has been made. The statement shall include details of tests, adjustments and repairs which were accomplished in order to insure operation in accordance with the provisions of the technical operating standards for AM stations and the station authorization. If repairs could not be completed, include details of the items of equipment concerned, the manner and degree in which they are

defective, and the reasons complete repairs could not be made.

(3) *FM stations.* In addition to the entries specified in paragraph (a)(1) of this section:

(i) For stations using the direct method of power determination, an entry for each six month period of the results of calibration of the transmission line meter used for determining operating power as specified for FM stations in § 73.267, or for NCE-FM stations, in § 73.567 (Operating power, determination and maintenance of).

(ii) For stations transmitting stereophonic programs, an entry each calendar month of measurements of the stereophonic pilot carrier frequency, including the date performed and description of the procedure used as specified for FM stations in § 73.397 or for NCE-FM stations in § 73.596.

(iii) For stations using SCA, an entry, once each calendar month, of the measurements of each subcarrier frequency, including the date performed and description of the procedure used as required by § 73.295 for FM stations or § 73.595 for NCE-FM stations (Operation under subsidiary communications authorizations).

(iv) A signed statement by the inspecting operator upon completion of the inspections specified in Operator requirements for FM stations in § 73.265 or for NCE-FM stations in § 73.565, showing that the inspection has been made. The statement shall include details of tests, adjustments and repairs which were accomplished in order to insure operation in accordance with the provisions of the technical operating standards for FM stations and the station authorization. If repairs could not be completed, include details of the items of equipment concerned, the manner and degree in which they are defective, and the reasons complete repairs could not be made.

(4) *TV stations.* In addition to the entries specified in paragraph (a)(1) of this section:

(i) An entry of the date and time of removal from and restoration to service of the visual modulation monitoring equipment.

(ii) An entry of the results of calibration of the transmission line meters used for determining the operating power as specified in § 73.689 (Operating power, determination and maintenance of).

(b) As entries of these maintenance procedures are made, the operator shall sign and date them. In preparing the maintenance log, original data may be recorded in rough form and later transcribed into the log.

99. New § 73.1840 is added to subpart H, part 73, to read as follows:

§ 73.1840 Retention of logs.

Logs of all stations shall be retained by the licensee for a period of 2 years. However, logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the FCC and about which the licensee has been notified, shall be retained by the licensee until specifically authorized in writing by the FCC to destroy them. Logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

100. New § 73.1850 is added to Part 73, Subpart H, to read as follows:

§ 73.1850 Public inspection of program logs.

(a) The station program logs shall be made available for public inspection and reproduction at a location convenient and accessible to the residents of the community to which the station is licensed. All such requests for inspection shall be subject to the procedural requirements in paragraph (b) of this section. Where good cause exists, the licensee may refuse to permit such inspection. (See paragraph 64, the Public and Broadcasting Procedural Manual.) The licensee shall remain responsible for the safekeeping of the logs when permitting inspections.

(b) The following procedural requirements apply to requests for inspection:

(1) Parties wishing to inspect shall make a prior appointment with the licensee and at that time identify themselves by name and address; identify the organization they represent, if any; and state the general purpose of the examination.

(2) Inspection of the logs shall take place at the station or at any other convenient and accessible location specified by the licensee. At its option the licensee may make an exact copy available in lieu of the original program logs.

(3) Copies of logs shall be available provided the inspecting party pays the reasonable cost of reproduction.

(4) An inspecting party shall have a reasonable time to examine the program logs. If examination is requested beyond a reasonable time, the licensee may condition such further inspection upon the inspecting party's willingness to either duplicate such logs at the examiner's expense, or reimburse the licensee for whatever reasonable expense is incurred if supervision is deemed necessary.

(5) No log need be made available for public inspection until 45 days have

elapsed from the day covered by the log in question.

(6) In cases where the logging system used does not provide for a written program log, the licensee shall retain, subject to the above provisions, either copies of the station's pre-logs (operating schedules), which have been updated and certified correct, or recordation produced by an automatic maintenance of logging data device (i.e., tapes or encoded printouts). See § 73.1810 (Program logs).

101. New § 73.1910 is added to Subpart H, Part 73, to read as follows:

§ 73.1910 Fairness Doctrine.

The Fairness Doctrine is contained in section 315(a) of the Communications Act of 1934, as amended, which provides that broadcasters have certain obligations to afford reasonable opportunity for the discussion of conflicting views on issues of public importance. See FCC public notice "Fairness Doctrine and the Public Interest Standards," 39 FR 26372. Copies may be obtained from the FCC upon request.

102. New § 73.1920 is added to Subpart H, Part 73, to read as follows:

§ 73.1920 Personal attacks.

(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than one week after the attack, transmit to the persons or group attacked:

(1) Notification of the date, time and identification of the broadcast;

(2) A script or tape (or an accurate summary if a script or tape is not available) of the attack; and

(3) An offer of a reasonable opportunity to respond over the licensee's facilities.

(b) The provisions of paragraph (a) of this section shall not be applicable:

(1) To attacks on foreign groups or foreign public figures;

(2) To personal attacks which are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign on other such candidates, their authorized spokesmen or persons associated with the candidates in the campaign; and

(3) To bona fide newscasts, bona fide news interviews, and on-the-spot coverage of a bona fide news event, including commentary or analysis contained in the foregoing programs.

(c) The provisions of paragraph (a) of this section shall be applicable to editorials of the licensee, except in the case of noncommercial educational

stations since they are precluded from editorializing (section 399(a), Communications Act).

103. New § 73.1930 is added to subpart H, part 73, to read as follows:

§ 73.1930 Political editorials.

(a) Where a licensee, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to, respectively, (i) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial, (A) notification of the date and the time of the editorial, (B) a script or tape of the editorial and (C) an offer of a reasonable opportunity for the candidate or a spokesman of the candidate to respond over the licensee's facilities. Where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

(b) Inasmuch as noncommercial educational stations may not engage in editorializing nor may support nor oppose any candidate for political office (section 399(a), Communications Act), the provisions of paragraph (a) of this section, do not apply to such stations.

104. Section 73.1940 is amended by adding new paragraphs (g) and (h) to read as follows:

§ 73.1940 Broadcasts for candidates for public office.

(g) *General requirements.* (1) Except as otherwise indicated in paragraph (g)(2) of this section, no station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other candidates for that office to use such facilities. Such licensee shall have no power of censorship over the material broadcast by any such candidate. Appearance by a legally qualified candidate on any (i) bona fide newscast, (ii) bona fide interview, (iii) bona fide documentary (if the appearance of the candidate is incidental to the presentation of the subject covered by the news documentary), or (iv) on-the-spot coverage of bona fide news events (including, but not limited to political conventions and activities incidental thereto) shall not be deemed to be use of a broadcasting station. (Section 315(a) of the Communications Act.)

(2) Section 312(a)(7) of the Communications Act provides that the Commission may revoke any station license or construction permit for willful or repeated failure to allow reasonable access to, or to permit purchase of, reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.

(h) *Political broadcasting primer.* A detailed study of these rules regarding broadcasts by candidates for Federal and non-Federal public office is available in the FCC public notice of July 20, 1978, "The Law of Political Broadcasting and Cablecasting." Copies may be obtained from the FCC upon request.

APPENDIX B

1. Part 73 is amended with the following revised "Alphabetical Index of Rules Titles—Part 73." This index contains all rule revisions adopted in Reregulation Order FCC 78-681, mimeo: 4013.

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S. O. No. 1332]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Second Revised Service Order No. 1332.

SUMMARY: There are severe shortages of freight cars throughout the country. Revised Service Order No. 1332 requires all railroads to place, remove, forward, weigh, clean, or repair cars within 60 hours in order to expedite the handling of freight cars and to increase their availability for reloading. Gondola cars, flatcars, and boxcars with mechanical designations LC and LU are removed from the order. The expiration date of the