

Afford the premium on such a bond; and/or (2) establish to the bonding companies that a small forwarder has sufficient financial strength to be eligible to receive a bond of the proposed size.¹ While most of those opposing the Commission proposal believe that the present bond is sufficient, some argue that no bond should be required.

A large number of comments was received favoring some change in the present bond, but opposing the proposed increase to \$50,000. This group, which includes hearing counsel, states that small forwarders will be unable to secure a \$50,000 bond due to the size of their forwarding operations and inability to pledge the required collateral, thus driving small forwarders from the trade, leaving ocean freight forwarding entirely in the hands of a limited number of large forwarders.

Many of these parties urge that the size of the bond be based upon the volume of the forwarder's business. Other comments suggest that recently licensed forwarders, or those licensed in the future, should be required to maintain a large bond while forwarders with several years of experience should be permitted to operate under the current bond requirements.

Certain of the commentators in favor of some change recommend that the amount of the bond be raised to \$20,000; hearing counsel suggest \$25,000. Some suggest that the public would be better served by rigorous Commission enforcement of existing regulations governing the conduct of forwarders in addition to imposing stricter requirements on forwarders seeking a Commission license. Several parties believe that the amount of credit extended by carriers to forwarders should be limited and that the bond requirement be replaced by a yearly license fee.

Hearing counsel suggest the initiation of a further rulemaking proceeding to strengthen the Commission's regulation of the forwarding industry by establishing experience requirements for new forwarders and requiring financial data reporting by existing forwarders in order to identify those with potential problems.

Finally, one commentator suggests that the Commission give consideration to allowing the submission of security other than a bond. In this regard, it is noted that while section

44(c) of the Shipping Act, 1916, provides for a bond, "or other security," § 510.5(g)(3), of Commission general order 4, allows only for the filing of a surety bond.

In this proceeding the Commission must weigh the consequences of the following alternatives. An increase in the amount of the forwarder bond to \$50,000 could impose hardship on small forwarders and be detrimental to the interests of the shipping public and possibly reduce the number of forwarders with a corresponding lessening of competition. Conversely, requiring a \$50,000 bond could enhance the level of protection to the shipping public by holding forwarders to a higher degree of financial responsibility.

After carefully considering and evaluating all arguments advanced in support of these conflicting propositions, we have decided to increase the amount of the forwarder bond to \$30,000.² This not only should act to temper the fears of those who believe the existing \$10,000 bond is inadequate to protect the shipping public, but also appears to be within the range which many of those opposing an increase to \$50,000 would find reasonable.

No comments were made on the remaining proposed amendments to § 510.5 and subject to one minor change in redesignated paragraph (h)(2), will be adopted as proposed.³

Hearing counsel have suggested various changes in the Commission's freight forwarder regulations which are outside the scope of this rulemaking and, accordingly, are not addressed here. However, these comments will be considered for possible inclusion in any future rulemaking.

§ 510.5 [Amended]

Therefore, pursuant to sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841a, 841b); and section 4 of the Administrative Procedure Act (5 U.S.C. 553), § 510.5, Title 46 CFR, is hereby amended as follows:

1. Paragraphs (g)(1) and (g)(2) are deleted.

2. Paragraph (g)(3) is redesignated paragraph (g)(1) and revised as follows:

(g) ***

²Commissioner Karl E. Bakke dissents on this point. He does not find the proposed \$50,000 figure to be unreasonable and would hold to that amount.

³The phrase "for failure to prosecute its application in accordance with this section" has been deleted from final paragraph (h)(2) as unnecessary.

(1) No license shall be issued to a person to whom this paragraph is applicable unless such person has filed with the Commission a surety bond in the amount of \$30,000 on form FMC-59 as set forth below.

3. New paragraph (g)(2) is added as follows:

(g) ***

(2) Every licensee shall file with the Commission on or before December 1, 1978, a surety bond in the amount of \$30,000 on form FMC-59 as set forth below; otherwise such license issued to the licensee shall be revoked in accordance with § 510.9.

4. Paragraph (h)(1) is deleted.

5. Paragraph (h)(2) is redesignated as paragraph (h)(1) and revised as follows:

(h) ***

(1) The Commission shall notify applicants for license of their qualification for the issuance of a license. Within 30 days of such notice the applicant shall file with the Commission a surety bond in the form and amount prescribed in paragraph (g) of this section. The Commission may, upon a showing of good cause, extend the time within which to file said surety bond.

6. Paragraph (h)(3) is redesignated as paragraph (h)(2) and revised as follows:

(h) ***

(2) If the applicant shall not have submitted the surety bond required under paragraph (g)(1) of this section, within the period specified in paragraph (h)(1), or otherwise authorized, the Commission shall return the application to the applicant.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-20867 Filed 7-27-78; 8:45 am]

¹This is contravened in an answer submitted by another commentator engaged in the bonding of forwarders which submits that the \$50,000 bond would not have an adverse impact on the forwarding company. This commentator claims that \$50,000 is not beyond the ability of forwarders, even small forwarders, to secure.

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL

COMMUNICATIONS COMMISSION

PART 1—PRACTICE AND PROCEDURE

PART 81—STATIONS ON LAND IN
THE MARITIME SERVICES AND
ALASKA-PUBLIC FIXED STATIONSPART 83—STATIONS ON SHIPBOARD
IN THE MARITIME SERVICES

PART 87—AVIATION SERVICES

PART 89—PUBLIC SAFETY RADIO
SERVICESPART 91—INDUSTRIAL RADIO
SERVICESPART 93—LAND TRANSPORTATION
RADIO SERVICESPART 94—PRIVATE OPERATIONAL
FIXED MICROWAVE SERVICEPART 95—PERSONAL RADIO
SERVICEPermitting Corporate Officers or Duly
Authorized Employees of Corpora-
tions To Sign Applications, Amend-
ments Thereto, and Related State-
ments of Fact Required by the
Commission; CorrectionAGENCY: Federal Communications
Commission.

ACTION: Erratum.

SUMMARY: The FCC is changing the
effective date of a rule amendment it
recently adopted concerning the sign-
ing of applications for station licenses
in the Safety and Special Radio Ser-
vices.

EFFECTIVE DATE: August 2, 1978.

ADDRESS: FCC, Washington, D.C.
20554.FOR FURTHER INFORMATION
CONTACT:

Joseph Johnson, 202-632-7280.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of
parts 1, 81, 83, 87, 89, 91, 93, 94, and 95
of the Commission's rules to permit
corporate officers or duly authorized
employees of corporations to sign ap-
plications, amendments thereto, and
related statements of fact required by
the Commission. Erratum (43 FR
27990).

Released: July 24, 1978.

(1) On June 7, 1978, the Commission
adopted an order, FCC 78-392, amend-

ing parts 1, 81, 83, 87, 89, 91, 93, 94,
and 95 of its rules to permit an author-
ized employee of a corporation to sign
certain station license applications in
the Safety and Special Radio Services.

(2) By this action, the Commission is
correcting the effective date of its
order from July 31, 1978 to August 2,
1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-20856 Filed 7-27-78; 8:45 am]

[6712-01]

[FCC 78-502]

PART 73—RADIO BROADCAST
SERVICESReregulation of Television and Radio
BroadcastingAGENCY: Federal Communications
Commission.

ACTION: Order.

SUMMARY: As a result of its continu-
ing study of reregulation of broadcast-
ing, the Commission initiated the re-
structuring of part 73 of its rules into
a more concise and orderly form by be-
ginning the transfer to subpart H of
all rules the subject matter of which is
common to AM, FM, and TV broad-
casting but are repeated in each of the
present subparts for those services.
Revisions are made in the rules where
needed. Rules which are unique to a
particular service will remain in their
respective subparts.

EFFECTIVE DATE: August 1, 1978.

ADDRESS: Federal Communications
Commission, Washington, D.C. 20554.FOR FURTHER INFORMATION
CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: July 12, 1978.

Released: July 21, 1978.

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

By the Commission:

1. As a result of its continuing study
concerning the reregulation of radio
and TV, the Commission has under
consideration the matter of amending
certain provisions of its broadcasting
rules as described herein.

2. In the public notice in which the
broadcast reregulation study and the
formation of the reregulation staff
were announced, the Commission
stated that one of the staff's goals
would be a simpler, more readily un-
derstandable set of rules, organized in

a manner to more clearly identify
those regulations which apply to the
various types and classes of broadcast
stations.

3. As the reregulation work has pro-
gressed, reviewing rules, determining
their validity with relation to the pres-
ent state of the art, and deciding
whether they should be retained,
modified or deleted, continuing
thought has been given to the opti-
mum form the broadcast rule book
should take.

4. In developing a reorganized and
reformatted rule book, we have con-
cluded that a basic purpose thereof is
to facilitate a better understanding of
our rules by broadcasters and practi-
tioners through simple and quick
access to them. The first step to easy
access was the development and the
adoption of the alphabetical index
(FCC 76-1042, adopted November 9,
1976). It is an alphabetical index of
rule titles in part 73, volume III, and
provides ready reference to most, but
not absolutely all, of the subject
matter in the rules, inasmuch as a rule
title, while it is indicative, may not be
all-inclusive of the subject matter
therein. A complete alphabetical index
of all subject matter in our rules is to
be an integral and continuing part of
this overall reorganization and rewrit-
ing (where needed) which begins with
this order.

5. The FCC rules and regulations are
grouped into 11 volumes and sold by
the Superintendent of Documents,
Washington, D.C. volume III, parts 73
and 74, "Radio Broadcast Services,"
contain the bulk of the broadcast
rules. Other rules exclusively applica-
ble to broadcasting are contained in
volume I, part 1, subpart D, "Broad-
cast Applications and Proceedings." Also,
rules applicable to broadcasting,
and to other communications services
as well, are found in volume I, part 1,
subpart G, "Schedule of Fees Filed
with the Commission" (suspended Jan-
uary 1, 1977, pending further Commis-
sion action); subpart H, "Ex Parte Pre-
sentations"; subpart I, "Procedures
Implementing the National Environ-
mental Policy Act of 1969"; part 13,
"Commercial Radio Operators"; and
part 17, "Construction, Marking and
Lighting of Antenna Structures."

6. We are looking toward a rule book
setting forth, in part 73 of volume III,
all rules applicable to the broadcast
services. Rules in volume I which are
applicable exclusively to broadcasting
would be removed therefrom and con-
solidated into part 73, volume III.
Rules which are applicable to other
communications services, as well as to
broadcasting, would be left in volume
I, but restated in pertinent part and in
condensed form and added to the
broadcast services rule book in part 73,
volume III. Thus, volume I would be

undisturbed except for removal of subpart D, "Broadcast Applications and Proceedings."

7. Part 73, volume III, is presently subdivided into subparts A, "Standard Broadcast Stations" (to be changed to "AM Broadcast Stations" in this title and throughout the rules as review and revision proceeds); B, "FM Broadcast Stations"; C, "Noncommercial Educational FM Broadcast Stations"; E, "Television Broadcast Stations" (to be changed to "TV Broadcast Stations" as revision take place); F, "International Broadcast Stations"; G, "Emergency Broadcast System"; and H, "Rules Applicable in Common to Broadcast Stations". Subparts F and G will remain as they are for now. Subpart H will be expanded to include all rules applying in common to AM, FM, and TV stations. (See par. 8, below.) Thought is being given to adding subpart D for rules exclusively applicable to noncommercial educational AM, FM, and TV stations. An alternate plan being considered is the inclusion of rules exclusively applicable to noncommercial educational stations in the subparts for the separate AM, FM, and TV services. They could be included as separate subdivisions of the AM, FM, and TV subparts, or as separate subparagraphs in subpart H sections (i.e., "Commercial applicability" and "Noncommercial educational applicability.") In the immediate future, we seek more experience in testing the alternatives as the reformatting and reorganization progresses, and our findings will dictate our final decision.

8. Part 73, volume III, as presently structured, includes, in the separate subparts, rules which are applicable to that particular service only, as well as approximately 215 rules which apply in common to all broadcast stations. They constitute the bulk of the non-engineering regulations in the separate subparts. There is, of course, subpart H, containing rules common to all broadcast stations, but only a small number of such rules, "in common", have been included there (13 at present). With this order initiating the restructuring of the rule book, we begin the transfer to subpart H of all rules, the subject matter of which is common to AM, FM, and TV (at the same time reviewing each rule and making certain revisions as herein-after indicated.) At the completion of this part of our reorganizational task, we will have included, in one place in our rule book, regulations applicable in common to all broadcast licensees. These common rules will, of course, provide for any necessary variations between AM, FM, and TV services, where appropriate. The resultant separate subparts for AM, FM, and TV will contain certain technical/engineering

requirements and non-technical rules which are unique to that particular service.

9. As a further refinement of volume III into the "total information center" for broadcast operations, we look toward the inclusion of references and sources for policies and procedures not presently in our rules (or there only in part) but which direct the actions and conduct of our licensees. Included would be such policies as those pertaining to renewals, ascertainment, minority hirings, program length commercials, loud commercials, payola, and plugola, to name a few.

10. Volume III also contains part 74, "Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services." As a result of earlier deregulation undertakings a large number of revisions have already been made in this part, including a complete recreation of subpart D (Remote Pickup Broadcast Stations). A complete retooling and reorganization of the part, including separate alphabetical indexing, can be delayed until the part 73 project is completed, or at least well along the way. Of course, the staff will give quick attention to any rule matters that require immediate attention without delay in this part, or in any of the broadcast rules, wherever located.

11. Thus, a restructured volume III, with its two parts, will give to licensees and others concerned with broadcasting, a new and complete ready-reference handbook of rules and regulations. This order takes the first steps in implementing the changes. As these changes are made, the table of contents, and more importantly, the alphabetical index, will reflect each step, assuring the user of the rule book instant directions to any rule being sought.

12. Following are the changes to the rules to be effected in this order:

(a) The subpart H title is revised, the first section of subpart H (§ 73.1001) is retitled "SCOPE" and the entire section is rewritten for clarity.

(b) Rules pertaining to broadcast station license periods, renewal dates and terms of licenses are presently titled "Normal license period" and found in § 73.34 for AM stations, § 73.218 for FM stations, § 73.518 for NCE-FM stations and § 73.630 for TV stations. The separate sections are deleted from their respective subparts and the rule is reassigned to subpart H as § 73.1020 and retitled "Station license period." Renewal dates which have been passed (1977 and thus far in 1978) have been revised to the next appropriate triennial renewal date.

(c) Broadcast licensees have traditionally been allowed by the Commission to use their stations for purposes

of research and experimentation which had a reasonable promise of contributing to the development and the improvement of the technical phases of broadcasting. Additionally, licensees have used their stations for the "housekeeping chores" of testing and maintaining their equipment at optimum operating levels. These two procedures have been inextricably entwined in our rules and with this order they will be separately stated, newly titled and reassigned to subpart H from subpart A (§ 73.10, Experimental period; and § 73.32, Special experimental authorizations), subpart B (§ 73.262 Experimental operation), subpart C (§ 73.562, Experimental operation) and subpart E (§ 73.666, Experimental operation). These present rules will be designated § 73.1510, Experimental authorizations, and § 73.1520, Operation for tests and maintenance in subpart H. Section 73.10 will become the definition of the term "experimental period" as it applies to AM broadcast stations and section 73.72 will be expanded to include all conditions of operation during the experimental period.

(d) The rules pertaining to transmitting equipment tests, during the construction of a broadcast station, are titled "Equipment tests", and are found in § 73.95 (AM stations), § 73.216 (FM stations), § 73.516 (NCE-FM stations) and § 73.628 (TV stations). These separate sections are herein deleted from their respective subparts and the rule is relocated in subpart H as § 73.1610 with the same section headnote.

(e) After completing construction of a broadcast station and the filing of the application for station license, the permittee may request authority to conduct program tests. The rules pertaining to program tests for the separate broadcast services are titled as such and are found in § 73.96 for AM, § 73.217 for FM, § 73.517 for NCE-FM and § 73.629 for TV. These separate sections will be deleted in this order and the rule will be reassigned to subpart H as § 73.1620, "Program tests".

(f) Applicants for construction of new or changed facilities must consider the matter of possible harmful interference to the National Radio Astronomy Observatory in Pendleton County, W. Va., and the Table Mountain Radio Receiving Zone in Boulder County, Colo., and notify the former at the time the application is filed. The rules pertaining thereto are titled, "Notification of filing of applications," and are designated as §§ 73.18, 73.215, 73.515, and 73.624 in subparts A (AM), B (FM), C (NCE-FM), and E (TV), respectively. They are consolidated and moved into subpart H as § 73.1030. Also, the section headnote is retitled to make clear that radio astronomy,

research and receiving installations are all included in this provision.

(g) An identical section on "Cross reference to rules in other parts" is presently contained in each of the AM (§ 73.17), FM (§ 73.214), NCE-FM (§ 73.514) and TV (§ 73.602) subparts of part 73. These are deleted from the respective subparts and consolidated in subpart H as § 73.1010.

(h) The terms "AM broadcast station" and "standard broadcast station," are both used in part 73. They are synonymous. The term "standard" was used at the outset for the only broadcast stations then licensed, i.e., those transmitting with amplitude modulation. When broadcast stations using frequency modulation were developed and licensed, the term "FM" was applied to the new service. The term "TV" is generally applied to television broadcast stations. In the context of the three services, the term "AM" has come into general use as a more accurate and definitive description of that service than "standard." As amendments have been made to rules which used the term "standard," changes to "AM" have been made. The term "standard" still appears in a substantial number of rules. The most practical and orderly way of converting the remaining ones is to make changes as those rules are subsequently worked into this new format. With this Order, the headnote of subpart A is changed to "AM broadcast stations," and §§ 73.1, 73.2, 73.3 and 73.21 of the subpart are amended to define an "AM broadcast station," "AM broadcast band," "AM broadcast channel" and "Classes of AM broadcast channels and stations," respectively. Section 73.1 also points out that "AM broadcast" is synonymous with the term "standard broadcast" as contained elsewhere (for the time being) in this chapter.

(i) The separate service rules on "Frequency measurements," as contained in §§ 73.60, 73.252, 73.552, and 73.690, are combined into one rule section in subpart H, § 73.1540, "Carrier frequency measurements." The addition of the word "carrier" in the section headnote clarifies the scope of the rule since there are now other types of frequency measurements required in the broadcast services such as measurement of the FM stereophonic pilot signal. The restructured rule, while recognizing that the primary standard for all radio frequency measurements is that maintained by the National Bureau of Standards, also makes it clear that the actual procedure or method used for measuring or determining the station carrier frequency of each main transmitter used may be selected by the station licensee.

(j) Special field test authorizations may be granted for use in making field strength measurements for transmitter site selection, propagation studies and other specialized AM, FM, and TV broadcast signal analysis work. Low power portable transmitters are frequently used in making these measurements. The term "portable transmitter," as used in connection with special field tests, is only defined in the AM subpart of the rules in § 73.12. Since these portable facilities, more correctly called "Portable Test Stations," are used for field tests in all broadcast services, the definition "Portable Test Station" is set forth in subpart H as § 73.1530.

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

13. 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).

14. 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 August 1, 1978.

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

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

1. In part 73, the title headnote of subpart A is changed to the following:

Subpart A—AM Broadcast Stations

2. Section 73.1 and headnote are amended to read as follows:

§ 73.1 AM broadcast station (Definition).

The term "AM broadcast station" means a broadcast station licensed for the dissemination of radio communications intended to be received by the public and operated on a channel in the band 535-1605 kilohertz (kHz). The term "AM broadcast" is synonymous with the term "standard broadcast" as contained elsewhere in this chapter.

3. Section 73.2 and headnote are amended to read as follows:

§ 73.2 AM broadcast band (Definition).

The term "AM broadcast band" means the band of frequencies extending from 535 to 1605 kHz.

4. Section 73.3 and headnote are amended to read as follows:

§ 73.3 AM broadcast channel (Definition).

The term "AM broadcast channel" means the band of frequencies occupied by the carrier and two sidebands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to AM broadcast stations shall begin at 540 kHz and be in successive steps of 10 kHz.

5. Section 73.10 headnote and text are amended to read as follows:

§ 73.10 Experimental period (Definition).

The term "experimental period" in reference to AM station operation means that time between 12 midnight local time and local sunrise.

6. Section 73.12 is amended to read as follows:

§ 73.12 Portable transmitters.

See § 73.1530.

7. Section 73.17 is amended to read as follows:

§ 73.17 Cross reference to rules in other parts.

See § 73.1010.

8. Section 73.18 is amended to read as follows:

§ 73.18 Notification of filing of applications.

See § 73.1030.

9. The headnote of section 73.21 is amended to read as follows:

§ 73.21 Classes of AM broadcast channels and stations.

10. Section 73.32 is amended to read as follows:

§ 73.32 Special experimental authorizations.

See § 73.1510 and § 73.1520.

11. Section 73.34 is amended to read as follows:

§ 73.34 Normal license period.

See § 73.1020.

12. Section 73.60 is amended to read as follows:

§ 73.60 Frequency measurements.

See § 73.1540.

13. Section 73.72, the headnote and text are amended to read as follows:

§ 73.72 Operating during the experimental period.

(a) An AM station may operate during the experimental period on its assigned frequency and with its authorized power for the routine testing and maintenance of its transmitting system, and for conducting experimentation under an experimental authori-

zation; provided no interference is caused to other stations maintaining a regular operating schedule within such period.

(b) No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

(c) The licensee of an AM station shall operate or refrain from operating its station during the experimental period as directed by the FCC to facilitate frequency measurements or for the determination of interference.

14. Section 73.95 is amended to read as follows:

§ 73.95 Equipment tests.

See § 73.1610.

15. Section 73.96 is amended to read as follows:

§ 73.96 Program tests.

See § 73.1620.

16. The undesignated headnote immediately preceding § 73.181 is changed to read as follows:

AM TECHNICAL STANDARDS

17. The undesignated headnote, "Administrative Procedures," preceding section 73.214 is deleted in its entirety.

18. Section 73.214 is amended to read as follows:

§ 73.214 Cross reference to rules in other parts.

See § 73.1010.

19. Section 73.215 is amended to read as follows:

§ 73.215 Notification of filing of applications.

See § 73.1030.

20. Section 73.216 is amended to read as follows:

§ 73.216 Equipment tests.

See § 73.1610.

21. Section 73.217 is amended to read as follows:

§ 73.217 Program tests.

See § 73.1620.

22. Section 73.218 is amended to read as follows:

§ 73.218 Normal license period.

See § 73.1020.

23. Section 73.252 is amended to read as follows:

§ 73.252 Frequency measurements.

See § 73.1540.

24. Section 73.262 is amended to read as follows:

§ 73.262 Experimental operation.

See § 73.1510 and § 73.1520.

25. The undesignated headnote, "FM Technical Standards," following § 73.295 in the "Contents—Part 73" is

relocated to follow § 73.301 and precede § 73.310.

26. The undesignated headnote, "Administrative Procedures," preceding § 73.514 is deleted in its entirety.

27. Section 73.514 is amended to read as follows:

§ 73.514 Cross reference to rules in other parts.

See § 73.1010.

28. Section 73.515 is amended to read as follows:

§ 73.515 Notification of filing of applications.

See § 73.1030.

29. Section 73.516 is amended to read as follows:

§ 73.516 Equipment tests.

See § 73.1610.

30. Section 73.517 is amended to read as follows:

§ 73.517 Program tests.

See § 73.1620.

31. Section 73.518 is amended to read as follows:

§ 73.518 Normal license period.

See § 73.1020.

32. The undesignated headnote, "Equipment," preceding § 73.550 is relocated to precede § 73.540.

33. Section 73.552 is amended to read as follows:

§ 73.552 Frequency measurements.

See § 73.1540.

34. Section 73.562 is amended to read as follows:

§ 73.562 Experimental operation.

See § 73.1510 and § 73.1520.

35. Section 73.602 is amended to read as follows:

§ 73.602 Cross reference to rules in other parts.

See § 73.1010.

36. Section 73.624 is amended to read as follows:

§ 73.624 Notification of filing of applications.

See § 73.1030.

37. Section 73.628 is amended to read as follows:

§ 73.628 Equipment tests.

See § 73.1610.

38. Section 73.629 is amended to read as follows:

§ 73.629 Program tests.

See § 73.1620.

39. Section 73.630 is amended to read as follows:

§ 73.630 Normal license period.

See § 73.1020.

40. Section 73.666 is amended to read as follows:

§ 73.666 Experimental operation.

See § 73.1510 and § 73.1520.

41. Section 73.690 is amended to read as follows:

§ 73.690 Frequency measurements.

See § 73.1540.

42. the title headnote of subpart H, part 73, is amended to read as follows:

Subpart H—Rules Applicable to all Broadcast Stations

43. Section 73.1001 and headnote are amended to read as follows:

§ 73.1001 Scope.

(a) The rules in this subpart are common to all AM, FM, and TV broadcast services, commercial and noncommercial.

(b) Rules in part 73 applying exclusively to a particular broadcast service are contained in the following: AM, subpart A; FM, subpart B; Noncommercial Educational FM, subpart C; and TV, subpart E.

(c) Certain provisions in this subpart apply to International Broadcast Stations (subpart F, part 73) and Television Broadcast Translator Stations (subpart G, part 74) where the rules for those services so provide.

(d) The provisions of this part applying to licensees also apply to holders of construction permits (permittees).

44. New § 73.73.1010 is added to subpart H, part 73, as follows:

§ 73.1010 Cross reference to rules in other Parts.

Certain rules applicable to broadcast services, some of which are also applicable to other services, are set forth in the following Volumes and Parts of the Commission's Rules and Regulations:

(a) Part 1 (Volume I), "Practice and Procedure."

(1) Subpart A, "General Rules of Practice and Procedure" (§§ 1.1 to 1.120).

(2) Subpart B, "Hearing Proceedings" (§§ 1.201 to 1.363).

(3) Subpart C, "Rule Making Proceedings" (§§ 1.399 to 1.430).

(4) Subpart D, "Broadcast Applications and Proceedings" with subheadings of "General Filing Requirements," "Application Forms and Particular Filing Requirements," "Application Processing Procedures," "Action on Applications," "Forms and Information To Be Filed With The Commission" and "Forfeitures Relating to Broadcast Licensees and Permittees" (§§ 1.501 to 1.621).

(5) Subpart G, "Schedule of Fees" (§§ 1.1101 to 1.1120).

(6) Subpart H, "Ex Parte Presentations" (§§ 1.1201 to 1.1251).

(7) Subpart I, "Procedures Implementing the National Environmental Policy Act of 1969" (§§ 1.1301 to 1.1319).

(b) Part 2 (volume II), "Frequency Allocations and Radio Treaty Matters: General Rules and Regulations," including subparts A, "Definitions," B, "Allocation, Assignments, and Use of Radio Frequencies," C, "Emissions," D, "Call Signs and Other Forms of Identifying Radio Transmissions," G, "Treaties and Other International Agreements," and J, "Equipment Authorization Procedures—Type Approval; Type Acceptance; Certification."

(c) Part 13 (volume I), "Commercial Radio Operators."

(d) Part 17 (volume I), "Construction, Marking, and Lighting of Antenna Structures."

(e) Part 74 (volume III), "Experimental, Auxiliary and Special Broadcast, and Other Program Distributional Services," including subparts on the following stations: A, "Experimental Television—," B, "Experimental Facsimile—," C, "Developmental—," D, "Remote Pickup—," E, "Aural STL and Intercity Relay—," F, "Television Auxiliary—," G, "Television Broadcast Translator—," H, "Low Power Auxiliary—," I, "Instructional Television Fixed Service—," L, "FM Translator and Booster—."

45. New § 73.1020 is added to subpart H, part 73, to read as follows:

§ 73.1020 Station license period.

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

- (1) Delaware and Pennsylvania, August 1, 1978.
- (2) Maryland, District of Columbia, Virginia and West Virginia, October 1, 1978.
- (3) North Carolina and South Carolina, December 1, 1978.
- (4) Florida, Puerto Rico and Virgin Islands, February 1, 1979.
- (5) Alabama and Georgia, April 1, 1979.
- (6) Arkansas, Louisiana and Mississippi, June 1, 1979.
- (7) Tennessee, Kentucky and Indiana, August 1, 1979.

(8) Ohio and Michigan, October 1, 1979.

(9) Illinois and Wisconsin, December 1, 1979.

(10) Iowa and Missouri, February 1, 1980.

(11) Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1980.

(12) Kansas, Oklahoma and Nebraska, June 1, 1980.

(13) Texas, August 1, 1980.

(14) Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1980.

(15) California, December 1, 1980.

(16) Washington, Oregon, Alaska, Guam and Hawaii, February 1, 1981.

(17) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1981.

(18) New Jersey and New York, June 1, 1981.

NOTE.—For the cutoff date for the filing of applications mutually exclusive with, and petitions to deny, renewal applications, see § 1.516(e) of this chapter.

46. New § 73.1030 is added to subpart H, part 73, as follows:

§ 73.1030 Notifications concerning interference to radio astronomy, research and receiving installations.

(a) *Radio astronomy and radio research installations.* In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, W. Va., an applicant for authority to construct a new broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N on the north, 78°30' W on the east, 37°30' N on the south, and 80°30' W on the west shall, at the time of filing such application with the FCC simultaneously notify the following:

Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, W. Va. 21911.

The notification shall be in writing and set forth the particulars of the proposed station, including the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission and power. In addition, the applicant shall indicate in his application to the FCC the date notification was made to the observatory. After receipt of such applications, the FCC will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory

for itself or on behalf of the Naval Radio Research Observatory, the FCC will consider all aspects of the problem and take whatever action is deemed appropriate.

(b) *Radio receiving installations.* Protection for Table Mountain Radio Receiving Zone, Boulder County, Colo.: Applicants for a station authorization to operate in the vicinity of Boulder County, Colo., under this part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the Research Laboratories of the Department of Commerce, Boulder County, Colo. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that field strengths at 40°07'50" N latitude, 105°14'40" W longitude, resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the following values:

Frequency range	Field strength ¹	Power flux density ²
Below 540 kHz.....	10	—65.8
540 to 1600 kHz.....	20	—59.8
1.6 to 470 MHz.....	10	—65.8
470 to 890 MHz.....	30	—56.2
Above 890 MHz.....	1	—85.8

¹(mV/m) in authorized bandwidth of service.

²(dBW/m²) in authorized bandwidth of service.

*Equivalent values of power flux density are calculated assuming a free-space characteristic impedance of 376.7 = 120 π ohms.

**Space stations shall conform to the power flux density limits at the Earth's surface specified in appropriate parts of the FCC rules, but in no case should exceed the above levels in any 4 kHz band for all angles of arrival.

(1) Advance consultation is recommended particularly for those applicants who have no reliable data which indicate whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether coordination is recommended:

- (i) All stations within 1.5 miles;
- (ii) Stations within 3.0 miles with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;
- (iii) Stations within 10 miles with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone;
- (iv) Stations within 50 miles with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone.

(2) In advance of filing their applications with the FCC, applicants concerned are urged to communicate with the following:

Radio Frequency Management Coordinator, Department of Commerce, Research Support Services NOAA/R5X3, Boulder Laboratories, Boulder, Colorado 80302, telephone, 303-499-1000, extensions 6548 or 6549.

(3) The FCC will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce of proceedings to modify any authorization which may be granted which, in fact, delivers a signal at the reference point in excess of the field strength specified herein.

47. New § 73.1510 is added to Subpart H, Part 73, as follows:

§ 73.1510 Experimental authorizations.

(a) Licensees of broadcast stations may obtain experimental authorizations to conduct technical experimentation directed toward improvement of the technical phases of operation and service, and for such purposes may use a signal other than the normal broadcast program signal.

(b) Experimental authorizations may be requested by filing an informal application with the FCC in Washington, D.C., describing the nature and purpose of the experimentation to be conducted, the nature of the experimental signal to be transmitted, and the proposed schedule of hours and duration of the experimentation. Experimental authorizations shall be posted with the station license.

(c) Experimental operations are subject to the following conditions:

(1) The authorized power of the station may not be exceeded, except as specifically authorized for the experimental operations.

(2) Emissions outside the authorized bandwidth must be attenuated to the degree required for the particular type of station.

(3) The experimental operations may be conducted at any time the station is authorized to operate, but the minimum required schedule of programming for the class and type of station must be met. AM stations also may conduct experimental operations during the experimental period (12 midnight local time to local sunrise) and at additional hours if permitted by the experimental authorization provided no interference is caused to other stations maintaining a regular operating schedule within such period(s).

(4) If an experimental authorization permits the use of additional facilities or hours of operation for experimental purposes, no sponsored programs or

commercial announcements may be transmitted during such experimentation.

(5) The licensee may transmit regularly scheduled programming concurrently with the experimental transmission if there is no significant impairment of service.

(6) No charges may be made, either directly or indirectly, for the experimentation; however, normal charges may be made for regularly scheduled programming transmitted concurrently with the experimental transmissions.

(d) The FCC may request a report of the research, experimentation and results at the conclusion of the experimental operation.

48. New § 73.1520 is added to Subpart H, Part 73, as follows:

§ 73.1520 Operation for tests and maintenance.

(a) Broadcast stations may be operated for tests and maintenance of their transmitting systems on their assigned frequencies using their licensed operating power and antennas during their authorized hours of operation without specific authorization from the FCC.

(b) Licensees of AM stations may operate for tests and maintenance during the hours from 12 midnight local time to local sunrise, if no interference is caused to other stations maintaining a regular operating schedule within such period. No AM station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled programs during this period of test and maintenance operation.

(c) Licensees of AM stations must obtain a special antenna equipment test authorization using the procedures described in § 1.544(a) in order to operate with authorized nighttime power and directional antenna system during daytime hours when necessary to conduct monitor point field strength measurements and antenna proof of performance measurements.

49. New § 73.1530 is added to subpart H, part 73, as follows:

§ 73.1530 Portable test stations. [Definition]

A portable test station is one that is moved from place to place for making field strength and ground conductivity measurements, for selecting station transmitter sites, and conducting other specialized propagation tests. Portable test stations are not normally used while in motion, and may not be used for the transmission of programs intended to be received by the public.

50. New § 73.1540 is added to subpart H, part 73, as follows:

§ 73.1540 Carrier frequency measurements.

(a) The carrier frequency of each AM and FM station and the visual carrier frequency and difference between the visual carrier and the aural carrier or center frequency of each TV station shall be measured or determined as often as necessary to insure that they are maintained within the prescribed tolerances. In any event, each station with an authorized operating power greater than 10 watts shall make at least one measurement or determination each calendar month with intervals not exceeding 40 days between successive measurements for each main transmitter in use.

(b) In measuring the carrier frequency, the licensee may use any method or procedure that has sufficient precision to establish that the carrier frequency is within the prescribed departure limits.

(c) The primary standard of frequency for radio frequency measurements is the standard frequency maintained by the National Bureau of Standards or the standard signals of Stations WWV, WWVB, and WWVH of the National Bureau of Standards.

51. New § 73.1610 is added to subpart H, part 73, as follows:

§ 73.1610 Equipment tests.

(a) During the process of construction of a broadcast station, the permittee, after notifying the FCC in Washington, D.C. and engineer in charge of the radio district in which the station is located may, without further authority of the FCC, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards. For AM stations, tests must be conducted during the experimental period, 12 midnight local time to local sunrise. The FCC may authorize equipment tests other than during the experimental period for AM stations, if such operation is shown to be desirable to the proper completion of construction and adjustment of the transmitting equipment and antenna system. An informal application for such authority, giving full details regarding the need for such tests, shall be filed with the FCC in Washington, D.C. at least 2 days (not including Saturdays, Sundays, and legal holidays when the offices of the FCC are not open) prior to the date on which it is desired to begin such operation.

(b) The FCC may notify the permittee not to conduct tests or may cancel, suspend, or change the date for the beginning of equipment tests if and when such action may appear to be in

the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations, the permittee shall notify the engineer in charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

52. New § 73.1620 is added to subpart H, part 73, as follows:

§ 73.1620 Program tests.

(a) Upon completion of construction of an AM, FM, or TV station in accordance with the terms of the construction permit, the technical provisions of the application, the rules and regulations and the applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests. Such request shall be filed with the FCC in Washington, D.C. at least 10 days prior to the date on which it is desired to begin such operation. All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

(1) An AM station, using directional antennas, must also file an antenna proof of performance.

(b) Program tests shall not commence until specific FCC authority is received. The FCC reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests.

(c) Unless sooner suspended or revoked, the program test authority continues valid during FCC consideration of the application for license, and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the FCC of the application for station license.

(f) The licensee of a UHF TV station which is not in operation on, but assigned to, the same allocated channel which a 1000 watt UHF translator station is authorized to use (see § 1.516(c), Specifications of facilities), shall notify the licensee of the translator station, in writing, at least 10 days prior to commencing or resuming operation. The TV station licensee shall also certify to the FCC in Washington, D.C. that such advance notice has been given to the translator station licensee.

53. Part 73 is amended with the following revised "Alphabetical Index of Rules Titles—Part 73" to follow after the last page of "Contents—Part 73:"

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[FR Doc. 78-20855 Filed 7-27-78; 8:45 am]

[6712-01]

[BC Docket No. 78-103; FCC 78-503]

PART 73—RADIO BROADCAST
SERVICESPART 76—CABLE TELEVISION
SERVICEBroadcasts and Cablecasts by Legally
Qualified Candidates for Public
OfficeAGENCY: Federal Communications
Commission.

ACTION: Final rules.

SUMMARY: The FCC is amending its rules on political broadcasting and cablecasting to clarify them and resolve uncertainties in their application; also, to make certain paragraphs fully interpretative of applicable sections of the Communications Act as amended by Congress in 1972, 1974, and 1976. We believe our action will make it much easier for broadcast licensees, cable television system operators, and political candidates to understand the law in this area.

EFFECTIVE DATE: August 28, 1978.

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

FOR FURTHER INFORMATION
CONTACT:

William B. Ray, Broadcast Bureau,
202-632-5414, this is not a toll-free
telephone number.

In the matter of amendment of parts 73 and 76 of the Commission's rules relating to broadcasts and cablecasts by legally qualified candidates for public office, BC docket No. 78-103, FCC 78-503; *Report and order* (43 FR 13402).

Adopted: July 12, 1978.

Released: July 27, 1978.

1. The Commission has before it for consideration the Notice of Proposed Rule Making adopted March 16, 1978, and released March 24, 1978 (FCC 78-205) and comments filed in response thereto on proposed amendments to the rules relating to broadcasts and

cablecasts by legally qualified candidates for public office. Additionally, the Commission considers herein certain other amendments to the political broadcasting and cablecasting rules to make them fully interpretative of section 315 of the Communications Act of 1934, as amended.

2. Timely comments on the Notice of Proposed Rule Making were filed by eight parties: American Broadcasting Co., Inc. (ABC); Belo Broadcasting Corp. (Belo); CBS, Inc.; the firm of Jorgensen, Johnson & Northrop on behalf of eight licensees (Jorgensen); National Association of Broadcasters (NAB); National Broadcasting Co., Inc. (NBC); National Radio Broadcasters Association (NRBA), and Public Broadcasting Service (PBS). After the announced closing date for comments, the National Cable Television Association (NCTA) and the National Black Media Coalition (NBMC) each filed comments on a single but different aspect of the proposed rulemaking. Despite the late filing, both comments have been considered. No reply comments were filed.

PRESENT DEFINITIONS OF CANDIDATES

3. The particular parts of the political broadcasting and cablecasting rules to which our notice was directed are those defining a "legally qualified candidate for public office" for the purposes of the Communications Act. The definitions in the present broadcast rules, which are almost identical to those in the cable television rules, are as follows:

(a) *Definitions.*—A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State, or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who either:

(1) Has qualified for a place on the ballot, or

(2) Has publicly committed himself to seeking election by the write-in method, and is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method; and makes a substantial showing that he is a bona fide candidate for nomination or office.

We were concerned about three aspects of these rules: (1) They permit write-in candidates to become legally qualified for purposes of sections 312 and 315 of the act earlier than candidates who seek to qualify for places on the ballot; (2) with respect to candidates seeking nomination by convention, caucus, or similar means other than a primary election, they specify no requirement for becoming "legally qualified" candidates for nomination