

Issued: January 10, 1980.

Gloria M. Jimenez

Federal Insurance Administrator.

[FR Doc. 80-2613 Filed 1-25-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Overland Park, Kans., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Overland Park, Kansas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Overland Park, Kansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872, (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Telephone: (800) 638-6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 200174A Panel 02, published on October 23, 1979, in 44 FR 61023, indicates that Tract A, Indian Creek Village, Overland Park, Kansas, recorded as Document Number 871750 in Book 32, Page 24, in the Office of the Recorder, Johnson County, Kansas, is partially located within the Special Flood Hazard Area.

Map No. H & I 200174A Panel 02 is hereby corrected to reflect that structures A through D, G through K, M through Q, and S are not within the Special Flood Hazard Area identified on September 30, 1977. These structures are in Zone C.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: January 10, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-2614 Filed 1-25-80; 8:45 am]

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Leavenworth, Kans., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Leavenworth, Kansas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Leavenworth, Kansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872, (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 200190A Panel 04, published on October 23, 1979, in 44 FR 61023, indicates that Lot 8, Josela Subdivision, Replat a part of Block 7 and 8, Harkness Park Subdivision, Leavenworth, Kansas, as recorded in Book 10, Page 5, in the Office of the Register of Deeds, Leavenworth County, Kansas, are within the Special Flood Hazard Area.

Map No. H & I 200190A Panel 04 is hereby corrected to reflect that the structure on the above mentioned property is not within the Special Flood Hazard Area identified on January 5, 1978. This structure is in Zone C.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968] effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: January 10, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-2615 Filed 1-25-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70**[Docket No. FEMA-5712]****Letter of Map Amendment for the City of Davenport, Iowa, Under National Flood Insurance Program****AGENCY:** Federal Insurance Administration.**ACTION:** Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Davenport, Iowa. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Davenport, Iowa, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 28, 1980.**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 190242 Panel 0004A, published

on October 23, 1979, in 44 FR 61022, indicates that Lot 13, Block 4, Westgate Third Addition, also known as 2411 West 41st Street, Davenport, Iowa, as recorded in Book 339, Page 61, in the Office of the Recorder, Scott County, Iowa, is partially located within the Special Flood Hazard Area.

Map No. H & I 190242 Panel 0004A is hereby corrected to reflect that the structure on the above mentioned property is not within the Special Flood Hazard Area identified on March 1, 1978. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: January 10, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-2616 Filed 1-25-80; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73****[FCC 80-21]****Radio Broadcast Services; Reregulation and Oversight of the Rules for Radio and TV Broadcasting****AGENCY:** Federal Communications Commission.**ACTION:** Order.

SUMMARY: By Reregulation and Rules Oversight Order, clarification is made and rewriting done on the rules pertaining to: Local public inspection file; STA and program test authority; program log rule; broadcasting of lottery information; ownership reports; Policy listing, adding 8 policies and their citations; and special antenna test authorizations.

EFFECTIVE DATE: February 8, 1980.**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Philip Cross, John Reiser, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: January 16, 1980.

Released: January 23, 1980.

In the matter of reregulation and oversight of the rules for radio and TV broadcasting.

1. The Commission herein continues to focus its attention on the reregulation of its broadcast requirements and the

oversight of its AM, FM and TV rules. Rule modifications are made in this Order to update, clarify and make corrections as described in the following:

(a) The lottery rule (§ 73.1211, "Broadcast of lottery information") does not now include an obscure exemption provided under 18 U.S.C. 1305 for fishing contests. (Sections 1301 through 1304 of 18 U.S.C. define lotteries.) Section 1305 reads: "The provisions of this chapter shall not apply with respect to any fishing contest not conducted for profit wherein prizes are awarded for the specie, size, weight or quality of fish caught by contestants in any bona fide fishing or recreational event." The Congress, in the legislative history of the bill (H.R. 9074), clarified the meaning of "fishing contests not conducted for profit" when it stated "We have in mind a self-liquidating type of undertaking, whose receipts are fully consumed in defraying the actual costs of operation and are not intended or used for any other collateral purpose such as establishment of a fund for civic, philanthropic, or charitable objects, no matter how benevolent or worthy." Occasionally, broadcasters unknowingly conduct such a fishing contest for what is considered to be a "benevolent or worthy" group or cause. Caught up in the error of their actions, they are subject to citation. To guide the licensee, the fishing exemption is herein stated in the rule.

(b) Section 73.1520, "Operation for tests and maintenance," contains a cross reference in paragraph (c) to § 1.544(a). The cross reference refers to the sending of informal letter requests, by licensees, to the FCC in Washington. These informal letter requests are herein stated in §§ 73.157 and 73.1520, and the cross references to § 1.544 are deleted. The requirement formerly found in deleted § 1.544 is completely detailed in § 73.1510, "Experimental authorizations" and in § 73.157, "Special antenna equipment test authorizations." So, the only pertinent part remaining in § 1.544 was the directive pertaining to informal letter requests (applications) made to the FCC, herein placed in §§ 73.157 and 73.1520.

(c) Ever inclined to embrace rule modifications that reduce the administrative workload of the FCC and broadcasters, and to streamline FCC processing procedures, the Commission herein relaxes its procedural requirements pertaining to certain FCC responses to requests for program test authority (PTA) and special temporary authority (STA). Applicants for PTA's and STA's must await "specific FCC

authority" which, in all cases, results in a written communication from the FCC to the party requesting authorization. Via this *Order*, the Commission modifies and relaxes its procedural requirements to provide "automatic" program test authority to applicants for new or modified *nondirectional* AM, FM and TV stations; and also provide "automatic" special temporary authority, for 30 days, allowing permittees for modified *nondirectional* AM, FM and TV facilities to discontinue operation or to operate with temporary facilities as necessary to accommodate construction and maintain the size of the presently licensed coverage area. These two types of "automatic authority" will be achieved by simply notifying, by letter, the FCC in Washington, D.C. and the Engineer in Charge of the station's radio district. Applicants are reminded that within 10 days after commencing "automatic" program test authority, the new station applicant must file for license on FCC Form 302 for a commercial station or Form 341 for noncommercial. Both of these "automatic" authorizations (STA's and PTA's) are subject to modification or cancellation by the FCC. To guide the licensee, an appropriate rule is drafted and designated § 73.1615, "Operation during modification of facilities."

The analysis of STA's which resulted in the above-described action, focused attention on the colloquial acronym, STA, for "special temporary authorization." Its use is decades old and its origin is obscured in the distant past. It is referenced in the rules pertaining to applications in § 73.3511, "Applications required," and also in § 73.3542, "Application for temporary authorization." But, nowhere is there a rule entitled "Special temporary authorization." This long-time omission is corrected herein and a definition-rule is added to Subpart H of Part 73 as § 73.1635, "Special temporary authorizations." With clarity, the rule defines an STA as the authority granted to permit the operation of a broadcast facility for a limited period at a specified variance with the terms of the station license or requirements of the FCC, either by asking for prior authority from, or sending notice to the FCC. (Many of our rules have already been changed via reregulation proceedings to allow notification directly, relaxing previously required requests for authorization to which the FCC has to respond.)

To establish the linkage between new § 73.1635, "Special temporary authorization" and § 73.3511, "Applications required," and § 73.3542, "Application for temporary

authorization," cross references, making clear the relationships, are added to each as applicable. Also, in § 73.3542, "Application for temporary authorization," new text is added stating that certain broadcast rules allow notification in lieu of an application for authority; and text regarding granting of temporary authorizations in extraordinary circumstances requiring emergency operation to serve the public interest is moved from § 73.3580(b) where it inappropriately resides to § 73.3542 where it more properly belongs.

(d) In Transmittal Sheet No. 11 to Volume III (August 1976 edition of the rules—T.S. III (76)—11), the section number and the title of the program log rule is incorrectly positioned due to GPO printing error. It is corrected in this *Order*. Also, four incorrect cross references are changed.

(e) Sections 73.3526 and 73.3527 are the rules regarding local public inspection files of commercial and noncommercial stations, respectively. It is clear, in paragraph (a) of each rule, that the requirements pertain to applicants for construction permits, permittees and licensees. In paragraphs (f) of § 73.3526 and (h) of § 73.3527 are found the requirements for making copies of public file material available to the requesting public. Each of these paragraphs refer to " * * * material in the public file of any TV or radio station * * * " (emphasis added) giving a possible interpretation of not pertaining to applicants for a construction permit as well as permittees and licensees. Where the possibility of this misinterpretation in the subject paragraphs exists, the rule text is clarified herein.

(f) The requirements for giving local public notice of the filing of broadcast applications are found in § 73.3580. In the notice requirements for translator or booster applicants, the applicant is required to reveal "the purpose for which the application was filed." A parenthetical phrase starting "such as * * * " follows, listing some of the types of applications to which the purpose requirement refers. The "such as" phrase tends to confuse readers of the rule. Since the purpose for the application must be given in the notice for all translator and booster applications, the phrase ("such as * * * ") is deleted and the subparagraph will simply and clearly read, "The purpose for which the application was filed."

(g) In the Reregulation *Order* restructuring the rule book for the

broadcast services¹, the Ownership reports rule, § 1.615 was redesignated § 73.3615 and transferred to Subpart H, Part 73. In this rewriting and changeover procedure, a proviso in the rule pertaining to widely held corporations, was inadvertently deleted. It will, via this *Order*, be replaced in paragraph (d)(2) of the rule.

(h) The following additions are made to the listing of Policies of the FCC in Subpart H, Part 73.

(i) *Public Notice* entitled "Temporary Policy Extending Suspended Enforcement of Television Vertical and Horizontal Blanking Standards."

(ii) *Public Notice* entitled "Temporary Policy Concerning Applicability of Vertical and Horizontal Blanking Standards to In-School Instructional Television Programs."

(iii) *Public Notice* regarding use of automated programming systems to conduct weekly attention signal tests of EBS.

(iv) *Public Notice* entitled "New Financial Qualifications Standard for Television Broadcast Applicants."

(v) *Report* of the Commission on encoded four-channel multiplex stereo transmission authority.

(vi) *Public Notice* entitled "Commission Authorizes Use of Dolby Encoder by FM stations."

(vii) *Memorandum Opinion and Order* regarding transmission of information, via Subsidiary Communications Authorization (SCA) of horse racing information to off-track betting parlors in New York State.

(viii) *Public Notice* entitled "Unauthorized Broadcast of Federal Aviation Administration Communications by Broadcast and Other FCC Licensees."

(ix) *Public Notice* entitled "Use of Special Signals for Network Purposes Which Adversely Affect Broadcast Service."

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public.

3. 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 rule making, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

¹ *Order*, FCC 79-371, adopted June 7, 1979, 72 F.C.C. 2d 534.

4. 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 in the attached Appendix, effective February 8, 1980.

5. For further information on this Order, contact Steve Crane, Philip Cross or John Reiser, Broadcast Bureau, (202) 632-9660.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

1. In § 73.157, the headnote and paragraph (a) are amended to read as follows:

§ 73.157 Special antenna test authorizations.

(a) A special antenna test authorization may be issued to the licensee of a station, using a directional antenna during nighttime hours, to operate with the nighttime facilities during the daytime when conducting monitoring point field strength measurements and antenna proof of performance measurements. To obtain a special antenna test authorization, an informal letter request, signed by the licensee, shall be submitted to the FCC in Washington, D.C.

2. In § 73.1211, paragraphs (c) and (d) are amended and the Note is deleted, as follows:

§ 73.1211 Broadcast of lottery information.

(c) The provisions of paragraphs (a) and (b) of this Section shall not apply to an advertisement, list of prizes or other information concerning:

(1) A lottery conducted by a State acting under authority of State law when such information is broadcast:

(i) By a broadcast station licensed to a location in that State; or

(ii) By a broadcast station licensed to a location in an adjacent State which also conducts such a lottery. (18 U.S. Code 1307; 88 Stat. 1916).

(2) Fishing contests exempted under 18 U.S. Code 1305 (not conducted for profit, i.e., all receipts fully consumed in defraying the actual costs of operation).

(d) For the purposes of paragraph (c)(1) of this Section:

(1) "Lottery" means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers.

It does not include the placing or accepting of bets or wagers on sporting events or contests.

(2) A broadcast station licensed to a location in a State that conducts a State lottery may broadcast advertisements of or information concerning such lottery in its State of license and advertisements of or information concerning such lotteries conducted in any adjacent State. (See 18 U.S.C. 1307, FCC 75). The exemption would, for example, permit a broadcast station licensed to a location in New York, which now conducts a lawful State Lottery, to broadcast advertisements of or information concerning the New York State Lottery as well as the lawful State Lotteries of Massachusetts, Connecticut, New Jersey and Pennsylvania, since these States are adjacent to New York, and also conduct a State Lottery. The exemption, however, would not permit a broadcast station licensed to a location in New York to broadcast information concerning the Maine or Michigan State Lotteries since those States are not adjacent States to New York. Nor would the exemption permit a station licensed to a location in Virginia to broadcast information concerning the Maryland State Lottery, since although Virginia is adjacent to Maryland, Virginia does not conduct a State lottery.

3. In § 73.1520, paragraph (c) is amended to read as follows:

§ 73.1520 Operation for tests and maintenance.

(c) Licensees of AM stations may obtain special antenna test authorizations, and operate under the provisions described in § 73.157, to operate with nighttime facilities during daytime hours in conducting directional antenna field strength and antenna proof of performance measurements.

4. New § 73.1615 is added to Subpart H, Part 73, as follows:

§ 73.1615 Operation during modification of facilities.

When the licensee of an existing AM, FM or TV station is in the process of modifying existing facilities as authorized by a construction permit and determines it is necessary to either discontinue operation or to operate with temporary facilities to continue program service, the following procedures apply:

(a) Licensees holding a construction permit for modified operation of nondirectional facilities may, without specific FCC authority, for a period not exceeding 30 days:

(1) Discontinue operation, or
(2) Operate with temporary facilities to maintain, as nearly as possible, but

not exceed, the size of the presently licensed coverage area, and

(3) In either procedure, such operation or discontinuance of operation may begin upon notification to the FCC in Washington, D.C. and the Engineer in Charge of the radio district in which the station is located.

(4) Should it be necessary to continue the procedure in either paragraph (a)(1) or (a)(2) of this section, an informal letter request signed by the licensee or the licensee's representative must be sent to the FCC in Washington, D.C. prior to the 30th day.

(b) Licensees holding a construction permit for modified operation of directional facilities must request and obtain authority from the FCC in Washington, D.C. prior to using any new installation authorized by the permit, or using temporary facilities, if such use is deemed necessary, to maintain continued program service.

(1) The request is to be made at least 10 days prior to the date on which the temporary operation is to commence. The request is to be made by letter which shall describe the operating modes and facilities to be used. Such letter requests shall be signed by the licensee or the licensee's representative.

(2) Discontinuance of operation is permitted upon notification to the FCC in Washington, D.C. and the Engineer in Charge of the station's radio district. Should it be necessary to discontinue operation longer than 30 days, an informal letter request, signed by the licensee or the licensee's representative, must be sent to the FCC in Washington, D.C. prior to the 30th day.

(c) The FCC may modify or cancel the temporary operation permitted under the provisions of paragraphs (a) or (b) of this section without prior notice or right to hearing.

5. Section 73.1620 is amended to read 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, program tests may be conducted in accordance with the following:

(1) In the case of a nondirectional station, the permittee may begin program tests upon notification to the FCC in Washington, D.C. and the Engineer in Charge of the station's radio district, provided that within 10 days thereafter, an application for a license is filed with the Commission in Washington, D.C.

(2) In the case of a station with a directional antenna system, the permittee must file an application for license requesting program test authority with the FCC in Washington, D.C., at least 10 days prior to the date on which it desires to begin such operation. Also, an antenna proof of performance must be filed with the request by an AM directional station.

(b) The FCC reserves the right to revoke or suspend program tests by any station without right of hearing for failure to comply adequately with all terms of the construction permit or in order to resolve instances of objectionable interference.

(e) Acceptance by the FCC of notification of the station of program tests, or the granting of program test authority by the FCC, is not to be construed by the permittee 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 § 73.3516, "Specification 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.

6. New § 73.1635 is added to Subpart H to read as follows:

§ 73.1635 Special temporary authorizations (STA).

A special temporary authorization (STA) is the authority granted to permit the operation of a broadcast facility for a limited period at a specified variance with the terms of the station authorization or requirements of the FCC rules applicable to the particular class of station. Certain rules, however, permit temporary operation at variance without prior authorization from the FCC, when notification is filed as prescribed in the particular rules. See §§ 73.1615, "Operation during modification of facilities," 73.3511, "Applications required" and 73.3542, "Application for temporary authorization," for procedures on requesting special temporary authorizations. The FCC may modify or cancel a special temporary authorization without prior notice or right to hearing.

7. Section 73.1810 (b)(4)(iii) and (f)(4)(iii) are amended to read as follows:

§ 73.1810 Program logs.

Commercial Stations

(b) * * *

(4) * * *

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 73.3580 (pre-grant), 73.3594 (designation for hearing) and 73.1202 (licensee obligations), showing the time it was broadcast.

(f) * * *

(4) * * *

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 73.3580 (pre-grant) and 73.3594 (designation for hearing), showing the time it was broadcast.

8. Section 73.3526(f) is amended to read as follows:

§ 73.3526 Local public inspection file of commercial stations.

(f) Copies of any material required to be in the public file of any applicant for a construction permit, or permittee or licensee of any TV or radio station shall be available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the applicant, permittee or licensee, within a reasonable period of time which, in no event, shall be longer than seven days unless reproduction facilities are unavailable in the applicant's, permittee's or licensee's community. The applicant, permittee or licensee is not required to honor requests made by mail, but may do so if it chooses.

9. Section 73.3527(h) is amended to read as follows:

§ 73.3527 Local public inspection file of noncommercial educational stations.

(h) Copies of any material required to be in the public file of any applicant for a construction permit, or permittee or licensee of any TV or radio station shall be available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable costs of reproduction. Requests for machine copies shall be fulfilled at a location specified by the applicant, permittee or licensee, within a reasonable period of time which, in no event, shall be longer than seven days unless reproduction facilities are unavailable in the applicant's, permittee's or licensee's community. The applicant, permittee or licensee is not

required to honor requests made by mail but may do so if it chooses.

10. Section 73.3542 (b), (d) and (e) are amended to read as follows:

§ 73.3542 Application for temporary authorization.

(b) Temporary authority may be granted to a licensee or permittee of a broadcast station to operate such station for a period not to exceed 90 days upon request therefor. Any such request should be filed with the FCC at least 10 days prior to the date of the proposed operation and should be accompanied by a statement giving full particulars as to the purpose for which the request is made. Any temporary authority issued under this Section may be cancelled by the FCC without further notice or right to hearing. Written notification to the FCC in Washington, D.C. or the Engineer in Charge of the station's radio district may be given in lieu of request for temporary authorization if specifically allowed by a rule in Part 73.

(d) An information application is to be used, signed in accordance with the provisions of § 73.3513, "Signing of applications," and providing the information required in paragraph (d) of § 73.3511, "Applications required."

(e) Request for temporary authorization necessitated by equipment damage or failure may be made without regard to the procedural requirements of this Section. Also, in extraordinary circumstances requiring emergency operation to serve the public interest, the FCC may grant a temporary authorization accompanied by a statement of its reason therefor. Such grant would permit emergency operation for a period of not more than 90 days. If like finding can be made, the FCC may extend the temporary authorization for one additional period not to exceed 90 days.

11. Section 73.3580 (b) and (g)(1)(ii)(B) are amended to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

(b) Applications (as originally filed or amended) will be acted upon by the FCC no sooner than 30 days following public notice of acceptance for filing or amendment, except as otherwise permitted in § 73.3542, "Application for temporary authorization."

(g) * * *

(1) * * *

(ii) * * *

(B) The purpose for which the application was filed.

12. Section 73.3615(d)(2) is amended to read as follows:

§ 73.3615 Ownership reports.

(d) * * *

(2) All corporate licensees having more than 50 voting or non-voting shareholders, or controlling corporation, or corporations holding 25% or more of the outstanding voting or non-voting stock of the licensee, are required under this paragraph (d) to file annually. Filings must be made on a recurring annual basis, within 60 days from the anniversary of the record date selected in the first report for stockholders.

13. New § 73.4093 is added to Subpart H, Part 73, as follows:

§ 73.4093 Discrete (encoded) 4-channel stereo transmission authority.

See Report of the Commission, dated August 9, 1972, 72 F.C.C. 2d 792.

14. New § 73.4094 is added to Subpart H, Part 73 as follows:

§ 73.4094 Dolby encoder.

See Public Notice dated July 10, 1974, 72 F.C.C. 2d 790.

15. New § 73.4097 is added to Subpart H, Part 73, as follows:

§ 73.4097 EBS attention signal tests on automated programming systems.

See Public Notice dated March 1, 1979, 72 F.C.C. 2d 780; 44 FR 17792, March 23, 1979.

16. New § 73.4101 is added to Subpart H, Part 73, as follows:

§ 73.4101 Financial qualifications, TV stations.

See Public Notice, FCC 79-299, dated May 11, 1979, 72 F.C.C. 2d 784; 44 FR 29160, May 18, 1979.

17. New § 73.4102 is added to Subpart H, Part 73, as follows:

§ 73.4102 FAA communications, Broadcast of.

See Public Notice, FCC 72-105, dated February 2, 1972, 37 FR 3567, February 17, 1972.

18. New § 73.4126 is added to Subpart H, Part 73, as follows:

§ 73.4126 Horse racing information: SCA transmissions.

See Memorandum Opinion and Order, FCC 79-296, adopted May 10, 1979, 72 F.C.C. 2d 793.

19. New § 73.4157 is added to Subpart H, Part 73, as follows:

§ 73.4157 Network signals which adversely affect affiliate broadcast service.

See Public Notice, FCC 79-387, dated April 20, 1979, 22 F.C.C. 2d 779.

20. Section 73.4270 is amended to add new paragraphs (b) and (c), and designate current text as paragraph (a), to read as follows:

§ 73.4270 TV Broadcast signals: technical standards.

(a) See Public Notice, FCC 78-423, dated June 16, 1978, 43 FR 36689, August 18, 1978. This FCC statement was modified by Public Notice, FCC 79-10, dated January 10, 1979, 44 FR 3274, January 18, 1979.

(b) See also Public Notice, dated July 3, 1979, 72 F.C.C. 2d 786, entitled "Temporary Policy Extending Suspended Enforcement of TV Vertical and Horizontal Blanking Standards."

(c) See also Public Notice, FCC 79-231, dated April 12, 1979, entitled "Temporary Policy Concerning Application of Vertical and Horizontal Standards to In-School ITV Programs." 72 F.C.C. 2d 782.

21. New § 73.4372 is added to Subpart H, Part 73, as follows:

§ 73.4272 TV colorburst during black and white programming.

See Memorandum Opinion and Order, FCC 76-223, adopted March 9, 1976, 58 F.C.C. 2d 385.

[FR Doc. 80-2722 Filed 1-25-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

Cable Television Services; Editorial Amendment of Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Rule requiring cable employment units to submit copies of their EEO programs is clarified to eliminate mere filings of statements that such programs exist. Section of rules denoting various forms that must be filed with the Commission is amended to reflect change made when FCC Form 395—previously shared by the Broadcast, Common Carrier and Cable Television Bureaus was redesignated FCC Form 395-A for Cable Television purposes.

EFFECTIVE DATE: February 1, 1980.

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

FOR FURTHER INFORMATION CONTACT: Robert Ungar, Cable Television Bureau, (202) 632-9797.

Order

Adopted: January 17, 1980.

Released: January 22, 1980.

In the matter of editorial amendments to §§ 76.311(g) and 76.403 of the Commission's rules.

1. In June, 1977 FCC Form 395 used to obtain employment data from broadcast stations, common carriers and cable television systems was redesignated for cable television system use, FCC Form 395-A.

2. This redesignation was not reflected in § 76.403 which lists the various forms that cable systems must submit to the Commission annually. This omission has caused some confusion.

3. In a related matter it appears that § 76.311(g) which requires certain cable television employment units to file equal employment opportunity program statements with the Commission has been misinterpreted by some who have filed only statements that they have programs in compliance with the rules.

4. In view of the foregoing, in order to eliminate confusing and clarify our rules, under the authority of section 4(d) (1) and (i) of the Communications Act of 1934, as amended and § 0.231(d) of the Commission's rules, we are amending §§ 76.311(g) and 76.403 as shown in the attached appendix. Since these amendments are editorial in nature, the public notice, procedure and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

5. Regarding questions on matters covered in this document, contact Robert Ungar, telephone (202) 632-9797.

In view of the above, it is ordered, that the rule amendments set forth in the attached appendix are adopted, effective February 1, 1980.

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

Federal Communications Commission.

R. D. Lichtwardt,
Executive Director.

Appendix

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

§ 76.311 [Amended]

Section 76.311(g) is amended by replacing the phrase, "every employment unit shall file a statement of its equal employment opportunity program" with the phrase, "every employment unit shall file a copy of its equal employment opportunity program."

§ 76.403 [Amended]

Section 76.403 is amended by replacing the phrase, "Annual Employment Report, Form 395" with the phrase "Annual Employment Report, Form 395-A."

[FR Doc. 80-2547 Filed 1-25-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. 76-06; Notice 8]

Speedometers and Odometers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule (response to petitions for rulemaking).

SUMMARY: This notice is being issued in response to petitions for rulemaking to amend Federal Motor Vehicle Safety Standard (FMVSS) 127 to delete the accuracy requirement of speedometers. That requirement was scheduled to become effective September 1, 1980. This notice grants the petition and deletes the accuracy requirement, thus relieving manufacturers from having to comply with it.

EFFECTIVE DATE: This amendment is effective January 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Neill, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2800).

SUPPLEMENTARY INFORMATION: In the March 16, 1978, final rule establishing Federal Motor Vehicle Safety Standard (FMVSS) 127, the agency included a requirement limiting the deviation of indicated vehicle speed from actual vehicle speed to plus or minus 4 miles per hour. On March 22, 1979, the agency responded to petitions for reconsideration of the speedometer accuracy requirement by extending the effective date for the requirement from September 1, 1979, to September 1, 1980. The purpose of this change was to provide manufacturers with additional time in which to account for the variables contained in the speedometer gear train that would result in some units that exceed the accuracy limits of plus or minus 4 mph.

In its April 18, 1979, petition for rulemaking, General Motors stated that the accuracy requirement is not based

on a safety need and that compliance therewith could not be achieved by reasonable means despite the extension of the effective date. Citing its submission of substantiating data, the company stated that manufacturers could not ensure compliance of all their speedometer units with the accuracy requirement due to tire variability over which they have no control. According to the company, in a situation where the total allowable error range specified in FMVSS 127 is 8 mph (i.e., -4 to +4 mph) and the vehicle speed is 55 mph, speedometer head factors would account for 4.6 mph of the 8 mph range and the speedometer/odometer drive gearing would account for as much as 2.8 mph. This would leave an error range of only 0.6 mph to accommodate the remaining tire variables. The tire data supplied to General Motors by the various tire manufacturers show that variations in the diameter of tires produced by a single manufacturer could result in a speedometer error range of 2.4 mph at a vehicle speed of 55 mph. Likewise, such variation among different tire manufacturers could result in an error range of 3.2 mph at a vehicle speed of 55 mph. In addition, bias ply tires "grow" even after brief use. The mechanism by which this occurs is not fully understood, but data submitted by General Motors indicates that this process may increase the section height of the tire by as much as 3 percent. The effect of the growth is to decrease revolutions per mile for the tire. They further indicated that an error range of 4.8 mph would be necessary to compensate for the effect of this phenomenon on speedometer accuracy.

General Motors concluded that in a typical case an accuracy range of at least 12 mph would be necessary to account for all of the sources of speedometer variability. In light of this, the company requested that the agency either entirely delete the accuracy requirement due to the lack of an underlying safety need, or in the alternative, that the agency "normalize the revolutions per mile for the tires to be used on motor vehicles so that the tire variables can be neutralized."

In a petition dated August 28, 1979, International Harvester also petitioned for deletion of the accuracy requirement. The company stated that there is no safety need for the requirement. The company further stated that although it is confident that a high percentage of its present production vehicles do comply, it cannot ensure that 100 percent of its vehicles will comply with the ± 4 mph tolerance requirement. International Harvester stated that this is because it

purchases both speedometers and tires from outside suppliers and therefore is unable to control worst case variability in tires and speedometer assemblies which exceed that permitted by FMVSS 127. International Harvester submitted only limited substantiating data but did indicate its strong agreement with General Motors' data and support for that company's position.

The agency grants these petitions and deletes the speedometer accuracy requirement from FMVSS 127. The agency continues to believe that it is important that drivers know accurately the speed of their vehicles given the effect of vehicle speed on vehicle handling and on accident severity and given the need to comply with speed limits. However, implementation of this rule now would not significantly affect the accuracy of speedometers. If, at a later time, it becomes possible to make more substantial improvements in speedometer accuracy or if the agency obtains data indicating that speedometers are being built with less accuracy than they currently are, the agency will consider reproposing an accuracy requirement.

The agency's conclusion about the effect of the accuracy requirement on speedometer accuracy is based on several factors. First, data submitted by the petitioners as well as data submitted in response to prior rulemaking concerning speedometer accuracy and an agency study performed in 1977 suggests that the accuracy range of most speedometers is within ± 4 mph. A report prepared by The Automobile Club of Southern California cited in General Motors' petition suggests that in excess of 90 percent of sampled vehicles-in-use exhibited indicated speeds within ± 4 mph. In addition, General Motors and International Harvester both stated that most of their speedometers would comply but it would be quite costly and difficult to ensure 100 percent compliance due to the variables described in their petitions. It appears from the data submitted by the petitioners as well as data submitted by other manufacturers in response to earlier rulemaking (see, e.g., submissions by White Motor Corporation, American Motors Corporation and Chrysler Corporation in Docket 76-06-NO3) that the speedometers in most passenger vehicles already operate within the range of ± 4 mph but that the speedometers in heavy duty trucks and in buses cannot all be brought within the range. With respect to heavy trucks, comments in response to earlier rulemaking indicated that drivers of

such vehicles rely on tachometers and transmission gear selection for vehicle speed and that thus the accuracy of the speedometer is a secondary consideration.

The agency notes further that there appears to be no incentive for the manufacturers to produce less accurate speedometers in the future. Consumer awareness and manufacturer product liability concerns are likely to combine to ensure that speedometer accuracy remains at its current level.

This amendment is being adopted without the prior issuance of a notice of proposed rulemaking. The agency finds that notice and opportunity for comment in this instance are unnecessary and contrary to the public interest for the reasons stated below. As mentioned previously, the requirement would not have significantly affected speedometer accuracy. It would, however, require manufacturers to make changes to some of the speedometers. The manufacturers have already begun their efforts to make those changes since the requirement would have become effective in 8 months and production begins sooner than that. Dispensing with notice permits the agency to relieve the manufacturers immediately from the necessity of making further compliance efforts.

The agency is making this amendment effective upon publication in the **Federal Register**. This early effective date is necessary so that the manufacturers can cease their compliance efforts immediately.

The agency has considered the economic impact of this final rule and determined that the rule is not significant within the meaning of Executive Order 12044 and the Department of Transportation's policies and procedures for implementing that order. The agency has determined further that the impact is so minor as not to require preparation of a written evaluation of it. The effect of this amendment is to relieve the manufacturers from having to make the relatively insubstantial expenditures and efforts that would have been necessary to comply with the speedometer accuracy requirement.

§ 571.127 [Amended]

In view of the above, Federal Motor Vehicle Safety Standard No. 127, *Speedometers and Odometers*, 49 CFR 571.127, is amended by deleting section S4.1.3.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on January 22, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-2566 Filed 1-23-80; 1:46 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing for Atlantic Billfish and Sharks; Final Regulations

AGENCY: National Oceanic and Atmospheric Administration. (NOAA)/Commerce.

ACTION: Final Regulations.

SUMMARY: The National Oceanic and Atmospheric Administration amends its foreign fishing regulations. The amendment provides for inclusion of new reporting codes for several species covered by the preliminary fishery management plan for Atlantic billfish and sharks and for species caught incidentally. Presently, all sharks may be recorded as "nonspecific sharks" and marlin and spearfish are not recorded at all. As a result of the amendment, foreign vessels, when catching these species, will have to record them using the new codes.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT:

William H. Stevenson, Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Telephone: (813) 893-3141.

SUPPLEMENTARY INFORMATION: The proposed regulation was published in the **Federal Register** on December 13, 1979 (44 FR 72204). No comments were received.

The Assistant Administrator for Fisheries finds and determines that (1) this regulation is not significant within the meaning of Executive Order 12044, and (2) this regulation does not require the formulation of an Environmental Impact Statement under the National Environmental Policy Act of 1969.

Signed at Washington, D.C., this 22nd day of January, 1980.

Authority: 16 U.S.C. 1801 *et seq.*

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

50 CFR 611 is amended as follows:

§ 611.9 [Amended]

Add the following to the Species Codes, § 611.9, Appendix I—Part A,

Atlantic Ocean fishes (including the Gulf of Mexico):

Code, Common English Name, and Scientific Name

- 462—Porbeagle shark, *Lamna nasus*
- 463—Longfin mako shark, *Isurus paucus*
- 464—Shortfin mako shark, *Isurus oxyrinchus*
- 465—Blue shark, *Prionace glauca*
- 256—White marlin, *Tetrapturus albidus*
- 254—Longbill spearfish, *Tetrapturus pfluegeri*
- 260—Blue marlin, *Makaira nigricans*
- 252—Sailfish, *Istiophorus platypterus*
- 240—King mackerel, *Scomberomorus cavalla*
- 244—Spanish mackerel, *Scomberomorus maculatus*

[FR Doc. 80-2730 Filed 1-25-80; 8:45 am]

BILLING CODE 3510-22-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 111

[Amdt. 1]

Amendments Clarifying Eligibility of Waste Disposal Concerns, Providing for Joint Applicants in Some Instances and Changing the Processing and Administrative Fee for Applications

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: During the early stages of this program, SBA interpreted the legislative history of its authority to preclude assistance for the acquisition of a pollution control facility designed to control pollution by other than the applicant itself. For this reason applications from waste disposal concerns were considered ineligible. The Comptroller General has concurred in SBA's request to consider waste disposal concerns as eligible, because such a determination accords with the underlying intent of Congress that small concerns be assisted in allaying environmental pollution. This affirmative determination is reflected in the following amended §§ 111.2 and 111.3.

Other amendments change the processing and administrative fee and clarify the manner of amortization of the debt to be guaranteed.

EFFECTIVE DATE: January 29, 1980.

FOR FURTHER INFORMATION CONTACT:

Vincent A. Fragnito, Chief, Pollution Control Guarantees, Office of Special Guarantees, Magazine Building, Rosslyn, Virginia 22209 (703-235-2902).