

APPENDIX.—INTERIM DESIGNATED TRUCK
ROUTES ON THE FEDERAL-AID PRIMARY SYSTEM—Continued

Posted Route No.	From—	To—
GA 85	I-85	Fayetteville.
GA 2	US 27	I-75.
US 76	I-75	US 411.
GA 85	GA 411	Ellerslie.
US 41	I-75	Near Barnsville.
US 19	US 82	Near Pelham.
GA 247/US 129	I-75	Warner Robins.
US 84	Waycross	I-95.
US 78/US 29	GA 138	GA 8 near Athens.
GA 138	I-20	US 78.
GA 53	Rome	I-75 Calhoun.

Posted route No.	Route description
Pennsylvania	
US 1	From Morrisville to US 13.
US 13	Controlled access segment south from US 1.
US 15	From Pennsylvania Turnpike (I-76) Interchange 17 northeast to Harrisburg Expressway south of Camp Hill.
US 15	From PA 642 in Milton to the White Deer Exit.
US 15	Controlled access segment north of junction with US 220 at Williamsport.
US 22	From I-279 west to the Pennsylvania-West Virginia St. Line east of Steubenville, Ohio.
US 22	From west of PA 100 near Fogelsville east to the Pennsylvania-New Jersey St. Line at Easton.
US 30	Greensburg Bypass south of Greensburg.
US 30	From a junction with PA 462 west of York to a junction with PA 462 east of Lancaster, excluding the 4-mile uncontrolled access segment north of York.
US 119	Limited access Bypass west of Uniontown.
US 119	From Pennsylvania north to Pennsylvania Turnpike (I-76) Interchange 8 at New Stanton.
US 202	From the south terminus of the West Chester Bypass north and east to I-76 near King of Prussia.
US 219	From vicinity of Pennsylvania Turnpike southeast of Somerset north to US 422 west of Ebensburg.
US 219	From the PA-New York St. Line to just south of Bradford.
US 220	From Pennsylvania Turnpike Interchange 11 north to King.
US 220	From US 15 and the terminus of I-180 in Williamsport west to western terminus of controlled access segment at Linder.
US 220	From just south of Athens north to NY 17 at the Pennsylvania-New York St. Line.
US 222/422	Warren Street Bypass and Extension from Pricetown Road north of Reading west to Wyomissing.
US 322	Commodore Barry Bridge in Chester.
US 422	From eastern terminus of limited access segment southeast of Reading northwest to the Warren Street Bypass.
PA 9	Northeast Extension of Pennsylvania Turnpike from Exit 25 (I-276) southeast of Norristown to Exit 38 at I-81 north of Scranton.
PA 28	From PA 8 near Etna northeast to Creighton, east of the Pennsylvania Turnpike.
PA 33/US 209	From US 22 near Wilson north to I-80 at Interchange 46 near Stroudsburg via US 209 at Snydersville.
PA 60/US 422	From I-80 Interchange 1 southeast of Sharon south to and including the New Castle Bypass.
PA 60	From PA 51 west of Beaver Falls south to US 22, excluding the uncontrolled access segment near the Greater Pittsburgh International Airport.

Posted route No.	Route description
US 222	From US 30 northeast of Lancaster to Pennsylvania Turnpike (I-76) Interchange 21 near Adamstown.
PA 283	From junction of US 30 north of Lancaster west to I-283 near the Pennsylvania Turnpike Interchange 19, Harrisburg Expressway (LR 767) from I-83 west to US 11 west of Camp Hill. Airport Access Road (LR 1081 Spur A) from PA 283 south to the Harrisburg International Airport at Middletown.
US 6	Reading Outer Loop (LR 1035) from PA 183 near Leinbachs northeast to US 222 near Tuckerton.
US 11	From the Borough of Conneaut Lake east to just north of Meadville at the terminus of the North-South Bypass.
US 20	From Pennsylvania Turnpike Interchange 16 east to the western terminus of the Harrisburg Expressway near Camp Hill.
US 30	From I-90 Interchange 12 west to North East (PA 89).
US 119	Uncontrolled access segment of York Bypass from North Hills Road west to a point one mile north of the junction of PA 74.
US 119	Uncontrolled access segment northeast of Uniontown to Pennsville.
US 119	Uncontrolled access segment from the Pennsylvania Turnpike (I-76) Interchange 8 to the Greensburg Bypass.
US 202	From the PA-Delaware St. Line north to West Chester Bypass.
US 322	From the junction of I-83 and I-283 east to the junction of US 422.
US 422	From the junction of US 322 east to the junction of LR 139 at the west end of Hershey.
PA 3	From West Chester Bypass (US 202) east to Garrett Road at Upper Darby.
US 13	Uncontrolled access segment from PA 413 west of Bristol northeast to the limited access segment just south of US 1.
PA 42	From I-80 Interchange 34 south to Bloomsburg at US 11.
PA 51	From US 119 near Uniontown north to the Monongahela River at Elizabeth.
PA 54	From I-80 Interchange 33 south to Danville at US 11.
PA 60	Uncontrolled access segment in the vicinity of the Greater Pittsburgh International Airport.
PA 61	From US 222 near Tuckerton north to I-78 Interchange 9 at Hamburg.
PA 93	From I-81 Interchange 41 east and south to PA 924 at west end of Hazleton.
PA 114	From US 11 near Hogestown north to I-81 Interchange 15.
PA 132	From I-95 near Cornwells Heights northwest to Pennsylvania Turnpike Interchange 28 via US 1 connection.
PA 924	From junction with PA 93 west to I-81 Interchange 40 near Hazleton.
PA 100	From US 202 near West Chester north to the Budd Company Plant located approximately 1.1 miles north of Pennsylvania Turnpike (I-76) Interchange 23 (Dowington Interchange).
PA 924	From I-81 west to proposed Ryder/PIE Nationwide terminal near Hazleton.
US 220 Business	From the PA Turnpike (I-70 & 76) Exit 11 at Bedford north to the first interchange of US 220.
US 220	From King north to I-80 Interchange 23 including the overlapping section with US 22 from west of Duncansville to east of Duncansville.
Greenwood Road (LR 07027, Spur E).	From US 220 west to Second Avenue in Altoona.
Second Avenue	From Greenwood Road (LR 07027, Spur E) north to the Ward Trucking Company Terminal in Altoona.

Note.—PA 147 and US 220 from I-80 Interchange 31 near Milton north and east to US 15 in Williamsport were approved as part of the Interstate System on September 23, 1983.

Posted route No.	From—	To—
Vermont		
VT 9	I-91 Interchange 3 north of Brattleboro.	New Hampshire St. Line.
US 7	Southern Terminus of the four lane divided highway in the town of Wallingford.	US 4 Rutland City.
US 4	New York St. Line	East Limit of Rutland City.

[FR Doc. 84-3026 Filed 2-2-84; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7939]

Allocation and Apportionment of Deductions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains amendments to the Income Tax Regulations relating to the allocation and apportionment of deductions for purposes of computing taxable income from sources within the United States and taxable income from other sources. Prior to these amendments, the rules for allocation and apportionment of deductions contained in § 1.861-8 and § 1.882-5 applied only for taxable years beginning after December 31, 1976. These amendments provide taxpayers the option to apply the rules in § 1.861-8 or § 1.882-5 to taxable years beginning before January 1, 1977.

EFFECTIVE DATE: The changes made by this Treasury decision are effective for taxable years beginning after December 31, 1953.

FOR FURTHER INFORMATION CONTACT: Charles Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (LR-215-78), or call 202-566-3289 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1982, the Federal Register published a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 861 (b) of the Internal Revenue Code of 1954 (47 FR 38149). The

amendment proposed was a revision of the effective date provision of § 1.861-8 to permit a taxpayer to apply the rules of § 1.861-8(e) to taxable years beginning before January 1, 1977. Written comments were received on the proposed amendment, but a public hearing was not requested. The proposed amendment is adopted in this Treasury decision but modified to apply to all of the rules of § 1.861-8 instead of only the rules of paragraph (e) of that section. In addition, the effective date of § 1.882-5, relating to apportionment of interest expenses of foreign corporations for purposes of determining the taxable income of such corporations connected with a U.S. trade or business, is modified to permit a taxpayer to apply the rules of § 1.882-5 to taxable years beginning before January 1, 1977.

Explanation of Provisions

Section 1.861-8 provides rules for the allocation and apportionment of deductions. This allocation and apportionment may be necessary to compute taxable income from specific sources or activities in order to apply a separate operative section of the Internal Revenue Code of 1954.

Prior to amendment by this Treasury decision, § 1.861-8 was effective for taxable years beginning after December 31, 1976. For taxable years beginning before January 1, 1977, the process of allocation and apportionment of deductions was governed by those rules formerly under § 1.861-8 which were in effect on October 23, 1957 (T.D. 6258), as amended on August 22, 1966 (T.D. 6892) and on September 29, 1975 (T.D. 7378). Therefore, the taxpayer was required to allocate and apportion deductions for those taxable years on a basis which was supportable under § 1.861-8 as in effect for those years. For this purpose, the past, supportable practices of the taxpayer for allocation and apportionment of deductions were taken into account.

Pursuant to this Treasury decision, paragraph (a)(5) of present § 1.861-8 is revised to give taxpayers the option to apply the rules of present § 1.861-8 to open taxable years beginning before January 1, 1977. The amendment proposed on August 30, 1982, would have applied only to the rules of paragraph (e) of § 1.861-8. This Treasury decision has modified the amendment to make it apply to all of the rules of § 1.861-8. The rules of § 1.861-8 may be applied on a deduction-by-deduction basis if the rules are applied consistently to all taxable years beginning before January 1, 1977, with respect to which action by the Internal Revenue Service is not barred.

Section 1.882-5 sets forth the methods to be used by a foreign corporation in computing the amount of interest expense it may deduct from its gross income effectively connected with a U.S. trade or business. Prior to amendment by this Treasury decision, § 1.882-5 was effective for periods after February 6, 1981 or, at the option of the taxpayer, to taxable years beginning after the last taxable year ending before February 6, 1981 or, at the further option of the taxpayer, to open taxable years beginning after 1976. For taxable years beginning before January 1, 1977, the process of allocation and apportionment of interest expense was governed by § 1.861-8. A comment was received which recommended that foreign corporate taxpayers also be permitted to apply the rules of § 1.882-5 to taxable years beginning before January 1, 1977. That suggestion has been adopted in this Treasury decision.

Regulatory Flexibility Act

The Internal Revenue Service has concluded that these regulations are interpretative and thus the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Regulatory Impact Analysis

Pursuant to Executive Order 12291, a final regulatory impact analysis has been prepared with respect to these regulations and is available for public inspection and copying at the Internal Revenue Service, Room 4429, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Drafting Information

The principal author of these final regulations is Herman B. Bouma of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.861-1-1.997-1

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credits, Sources of income, U.S. investments abroad.

Adoption of Amendments to the Regulations

PART 1—[AMENDED]

The following amendments to 26 CFR Part 1 are hereby adopted:

Paragraph 1. Paragraph (a) (5) of § 1.861-8 is revised to read as follows:

§ 1.861-8 Computation of taxable income from sources within the United States and from other sources and activities.

(a) *In general*—* * *

(5) *Effective date*—(i) *Taxable years beginning after December 31, 1976.* The provisions of this section apply to taxable years beginning after December 31, 1976.

(ii) *Taxable years beginning before January 1, 1977.* For taxable years beginning before January 1, 1977, § 1.861-8 applies as in effect on October 23, 1957 (T.D. 6258), as amended on August 22, 1966 (T.D. 6892) and on September 29, 1975 (T.D. 7378). The specific rules for allocation and apportionment of deductions set forth in this section may, at the option of the taxpayer, apply to those taxable years on a deduction-by-deduction basis if the rules are applied consistently to all taxable years with respect to which action by the Internal Revenue Service is not barred by any statute of limitations. Thus, for example, a calendar year taxpayer may choose to have the rules of paragraph (e)(2) of this section apply for the allocation and apportionment of all interest expenses for the two taxable years ending December 31, 1975 and 1976, which are open years under examination, and may justify the allocation and apportionment of all research and development expenses for those years on a basis supportable under § 1.861-8 as in effect for 1975 and 1976 without regard to the rules of paragraph (e)(3) of this section.

Par. 2. Paragraph (d) of § 1.882-5 is revised to read as follows:

§ 1.882-5 Determination of interest deduction.

(d) *Effective date.* This section applies to periods after February 6, 1981, or, at the option of the taxpayer, to:

(1) Taxable years beginning after the last taxable year ending before February 6, 1981, or

(2) All open taxable years beginning after 1976, or

(3) All open taxable years.

This Treasury decision is issued under the authority contained in sections 882 (c) and 7805 of the Internal Revenue Code of 1954 (80 Stat. 1556; 26 U.S.C. 882(c) and 68A Stat. 917; 26 U.S.C. 7805).

Approved: January 16, 1984.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 84-3039 Filed 2-2-84; 8:45 am]

BILLING CODE 4830-01-M

POSTAL SERVICE

39 CFR Part 111

Detached Address Labels for Third-Class Flat Mailings

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: In order to clear up any uncertainty caused by the language of the current regulation governing use of detached address labels for saturation mailings of third-class flats, the Postal Service is rephrasing the regulation to make it clear that the mail piece, which consists of an address card and other mail matter in the form of a flat, is handled and delivered by the Postal Service as a single mail piece.

EFFECTIVE DATE: March 1, 1984.

FOR FURTHER INFORMATION CONTACT: Grayson M. Poats, (202) 245-4602.

SUPPLEMENTARY INFORMATION: An unanticipated problem has arisen with regard to the Postal Service regulation governing use of detached address labels for third-class flat mailings. Material other than that specified by the regulation is being printed on the front of some address cards and reports have been received of instances where the card is not being delivered with the rest of the contents of the mail piece of which it is a part. Neither of these circumstances was intended by the Postal Service and this rule is designed to so clarify the regulation.

To make it absolutely clear that the detached address label is a part of the mail piece and is to be delivered with the remainder of the contents of the mail piece, the statement that is required to be printed on the address card by Domestic Mail Manual § 661.331 is changed to read, "Postal Service regulations require that this address card be delivered together with its accompanying postage paid mail. If you should receive this card without its accompanying mail, please notify your local postmaster."

Section 661.331 is also changed to specifically state that only the recipient's address, the mailer's return address, the required statement and the indicia of postage payment may appear

on the front of the card used as a detached address label.

For the above reasons, the Postal Service has determined that the following change to section 661.331 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR 111.1), is necessary to ensure the correct understanding of the Postal Service's practice of permitting the mailing of third-class flats with detached address labels.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

Chapter 6—Third-Class Mail

661—Addressing.

In 661.33, change 661.331 to read as follows:

.331 The address for each flat must be placed on an address card. There must be one and only one address card for each flat. The card must be mailable and of standard size (see 650). The address card must contain the recipient's address and the mailer's return address. Each address card must carry the following words in a bold type size of at least 1/8 inch: "Postal Service regulations require that this address card be delivered together with its accompanying postage paid mail. If you should receive this card without its accompanying mail, please notify your local postmaster." Nothing other than addresses, identification, the above quoted language, and indicia of postage payment may appear on the front of the card.

A transmittal letter making this change in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the *Federal Register* as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 410(a), 403)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-3067 Filed 2-2-84; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

Oversight of the Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast station regulations in 47 CFR Parts 73 and 74 of the FCC rules. Amendments are made to delete regulations that are no longer necessary, correct inaccurate rule texts, contemporize certain requirements, to execute editorial revisions as needed for purposes of clarity and ease of understanding.

EFFECTIVE DATE: January 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Steve Crane (202) 632-5414, Mass Media Bureau.

List of Subjects in 47 CFR Parts 73 and 74

Radio broadcasting, Television broadcasting.

Order

In the matter of oversight of the Radio and TV Broadcast Rules.

Adopted: January 24, 1984.

Released: January 27, 1984.

By the Chief, Mass Media Bureau.

1. In this Order, the Commission focuses its attention on the oversight of its radio and TV broadcast rules. Modifications are made herein to update, delete, clarify or correct broadcast regulations as described in the following amendment summaries:

(a) The Commission has a number of equipment authorization procedures, two of which are type acceptance and type approval.

Type acceptance requires the applicant to make all measurements and tests and submit the data to the FCC laboratory in the Office of Science and Technology for review pursuant to the requirements in Part 2 of the rules.

Type approval requires the manufacturer to submit equipment to the FCC for tests and measurements to be made by the laboratory to determine if our specifications and requirements are met.

In Section 73.53, we find the term *type acceptance* used when *type approval* is correct. The incorrect term is used in the Section title and in several places within the rule. Corrections are made herein. (See Appendix item 2.)

(b) When the TV Sixth Report and Order was adopted by the Commission in April 1952, it instituted transmission standards for the fledgling TV service. The standards Section, an integral part of the rules to this day (Section 73.682), contains an instructive paragraph which describes the Commission's willingness to consider proposed changes or

modifications of these standards. It also delineates the showing expected from a petitioner for such changes.

The procedure for changing technical standards, as set forth in this rule, is general in nature and could apply to petitions for technical standards changes in any of the broadcast services. No such set of instructions has ever been adopted for the aural services, although the procedure could apply there as well as in TV.

Therefore, paragraph (b) of § 73.682 will be removed from Subpart E of Part 73 (TV rules) and relocated into Subpart H (Rules Applicable to All Broadcast Stations). It will be designated § 73.1695 and titled Changes in transmission standards. Henceforth, it will serve as an instruction for petitioners to follow when asking the Commission to consider a technical standards modification in any of the broadcast services. (See Appendix items 5 and 9.)

(c) Section 508 of the Communications Act, entitled Disclosure of Certain Payments, was redesignated section 507 (same Section title) by Pub. L. 96-507, 94 Stat. 2747, December 8, 1980. The requirements of former section 508 (now 507) are referenced in § 73.1212, Sponsorship identification; list retention; related requirements. The reference to Section 508 of the Act is found in paragraph (c) of the rule, and is corrected herein to read "Section 507". (See Appendix item 6.)

(d) The proceeding which eliminated operating and maintenance logs was terminated by the Commission with the adoption of the Report and Order in BC Docket 82-537 on July 14, 1983. 48 FR 38473, August 24, 1983. In addition to eliminating the operating and maintenance log rule sections, many rules, which referred to such logs, were modified to conform to the excised logging requirements.

One such change was made, unintentionally, in § 73.1515, Special field test authorizations. This rule pertains to special authorizations issued to conduct field strength surveys to aid in selecting sites for transmission facilities, to determine coverage areas, or to study factors influencing signal propagation. Reports of findings via such field testing must be submitted to the FCC, and such reports must include, among other things, the record of observations each half hour of the input power to the final amplifier stage, and the AM antenna current or the FM or TV transmitter output power. The rule stated that such observations must be "logged" at certain time intervals and that "copies of the station logs" be submitted with the required report. The terms "logged" and "station logs" are

purely a term of art here, having no relationship to operating or maintenance logs. In our efforts to excise references in the rules to operating and maintenance logging, this subparagraph was erroneously eliminated. Obviously, the observing and reporting of the station tests are necessary to complete the required report; field results without power observations and a record thereof are of no value to us for analysis. In this Order, the term "logged" is given its exact meaning by replacing it with "observed and recorded"; and the requirement to submit "copies of the station logs" is changed to read "copies of these records." Subparagraph (c)(4) is reinstated into § 73.1515 to set forth the revised text as outlined above. (See Appendix item 7.)

(e) A similar inadvertence occurred in the rules pertaining to the determination of operating power: Sections 73.51 (AM); 73.267 (FM); and 73.663 (TV).

Corrections in these rules are made in this Order as follows:

(i) In § 73.51(e)(2), the value of F (Efficiency Factor) applicable to each mode of operation was formerly entered in the operating log. In the Report and Order in BC Docket 82-537, in which operating logs were eliminated, an entry was required in the station log (instituted in the same Report and Order). It was never our desire to switch from an operating log requirement to a station log requirement. We merely meant to require licensees to retain the value of F, after making the determination, in their station files. The rule is modified here to correct (and eliminate) the station logging requirement and will direct the mere retention of the determined F value in the station file.

(ii) In the rules "Determining Operating Power" for FM and TV (§§ 73.267 and 73.663 respectively), a slightly different aberration took place than that described in (e)(i) above for AM stations. In determining operating power by the indirect method, both the FM and TV rules stated that the value of F was to be established and a record was to be kept thereof. (Emphasis added). Further, in the case of composite transmitters, or those which the final amplifier stages were modified pursuant to FCC approval, the licensee was required to furnish the FCC and also retain with the station records. (Emphasis added) the measurement data used as a basis for determining the value of F. In our rule's review to eliminate references to operating or maintenance logging requirements, these provisos, regarding retention of F value data in the station's files, were erroneously removed. They, of course,

need to be retained for technical record purposes in the station files. We will reenter the filing requirements into the subject rules via this Order. (See Appendix items 1, 3 and 4.)

(f) Two errors are found in § 73.1570, Modulation levels: AM, FM and TV aural, in subparagraph (b)(3)(ii).

The limitation of the "modulation of the main carrier by the arithmetic sum of the subcarriers to not more than 10 percent * * *" is corrected to read " * * * to not more than 15 percent * * *", which conforms to the rules for TV transmission standards, specifically § 73.682(a)(23)(ii).

Also in § 73.1570(b)(3)(ii), an exception to the 15 percent modulation is made where the rule states " * * * unless some other subcarrier modulation level is specified in the instrument of authorization." Whereas, the Commission in the past formally authorized multiplexing, the practice now, pursuant to § 73.682(a)(23), permissively allows it without formal request for authorization to operate. Section 73.1570(b)(3)(ii) is amended accordingly by excising the incorrect phrase quoted above. (See Appendix item 8.)

(g) Pursuant to §§ 73.3526 and 73.3527 (Local public inspection file rules), each applicant for renewal of license must place in the station public inspection file a statement certifying compliance with the requirement to present pre-filing and post-filing announcements as required by § 73.3580, local public notice of filing of applications. Paragraph (e) of § 73.3526 and paragraph (g) of § 73.3527 specify the periods of retention for the various records in the public files. These paragraphs are silent regarding the retention period for pre- and post-filing announcements. However, § 73.3580(h) states the retention period in the public file will be "as long as the application to which it refers." Clarification is made herein by entering this retention period into §§ 73.3526 and 73.3527.

These two local public file rules are subject to modification of another filing requirement, of which TV licensees and permittees were relieved in a Commission Order effective in October 1980. In the Matter of Cable TV Syndicated Program Exclusivity Rules, Report and Order in Dockets 20988 and 21284. 79 FCC 2d 663. Via this final Order the Commission eliminated the syndicated exclusivity rules from Part 76, Subpart F of the Cable TV Service regulations. One of the excised rules, § 76.157, stated that copies of exclusivity contracts were to be kept in the TV licensee's or permittee's public inspection files. While this proviso was removed from the Cable TV Service rules, it survives in the local public file rules for commercial and noncommercial TV stations. (§ 73.3526(a)(13) and 73.3527(a)(9).) Also,

the period of retention for these contracts appears in § 73.3527(g). (The period of retention paragraph in § 73.3526 is silent on retention provisions.) All references to such contract filing and retention thereof are removed herein to conform to the Commission's action in the Report and Order in Dockets 20988 and 21284. (See Appendix items 10 and 11.)

(h) As stated in paragraph (g) above, applicants for renewal of broadcast stations must give notice of the filing of the renewal application by broadcasting pre- and post-filing announcements. The text of the announcements is set forth in subparagraphs (d)(4)(i) and (ii) of § 73.3850. Local public notice of the filing of broadcast applications. In the announcements, reference is made to "programming during the next three years" for certain types of stations, a statement indicating the former triennial license period for stations. License renewal periods were extended from three years to five years for TV and seven years for radio stations in the Omnibus Budget Reconciliation Act enacted into law on August 13, 1981. Pub. L. 97-35, 95 Stat. 357, Section 1241(a). In conforming our rules to the newly enacted license period legislation, corrections in the pre- and post-filing announcements texts in this rule were overlooked. The text stating " * * * during the next three years", is changed to read " * * * during the next license term." (See Appendix item 12.)

(i) One of the significant deregulatory benefits resulting from the elimination of operating and maintenance logs (see paragraph (d) above), was the Commission's excision of onerous requirements to follow a schedule of certain meter and monitor readings, inspections, observations and measurements as well as the requirement to enter the results into the log. One such schedule of inspections eluded our review of the rules. It is found in § 74.933, Remote control operation (ITFS) in subparagraph (a)(3), wherein, after advising that "transmitting apparatus shall be inspected as often as may be necessary to insure proper operation", the rule continues by adding a schedule to follow by stating "and in any event at least once a day." The "schedule" of once a day is eliminated in this Order thus conforming the rule to the Commission's intent as expressed in the Report and Order. (See Appendix item 13.)

(2) No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for

the reasons set forth above, that these revisions will serve the public interest.

(3) These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. 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. 553(b)(3)(B).

(4) Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

(5) Therefore, it is ordered, that pursuant to sections 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission's Rules, Parts 73 and 74 of the FCC Rules and Regulations are amended as set forth in the attached Appendix, effective January 27, 1984.

(6) For further information on this Order, contact Steve Crane, (202) 632-5414, Mass Media Bureau.

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

Appendix

PART 73—[AMENDED]

1. 47 CFR 73.51 is amended by revising paragraph (e)(2) to read as follows:

§ 73.51 Determining operating power.

* * * *

(e) * * *

(2) The value of F applicable to each mode of operation must be determined and a record kept thereof with a notation as to its derivation. This factor is to be established by one of the methods described in paragraph (f) of this section and retained in the station records.

* * * *

2. 47 CFR 73.53 is amended by revising paragraph (a)(1), the introductory text of paragraph (c), and paragraph (c)(11) to read as follows:

§ 73.53 Requirements for type approval of antenna monitors.

(a) General requirements:

(1) Any manufacturer desiring to submit a monitor for type approval shall submit an application to the FCC in accordance with the procedure set forth in § 2.561 of this chapter, and subject to the fee schedule in § 1.1120 of this chapter.

* * * *

(c) An antenna monitor eligible for type approval by the FCC shall meet the following specifications:

* * * *

(11) The monitor shall be accompanied by complete and correct schematic diagrams and operating instructions. For the purpose of type approval, these diagrams and instructions shall be considered as part of the monitor.

* * * *

3. 47 CFR 73.267 is amended by revising the introductory text of paragraph (c)(3) and paragraph (c)(3)(i) to read as follows:

§ 73.267 Determining operating power.

* * * *

(c) * * *

(3) The value of F is to be determined and a record kept thereof by one of the following procedures listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in paragraph (b) of this Section or the most recent measurements made by the licensee establishing the value of F. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to FCC approval, the licensee must furnish the FCC and also retain with the station records the measurement data used as a basis for determining the value of F.

* * * *

4. 47 CFR 73.663 is amended by revising the introductory text of paragraph (d)(3) and paragraph (d)(3)(i) to read as follows:

§ 73.663 Determining operating power.

* * * *

(d) * * *

(3) The value of F is to be determined and a record kept thereof by one of the following procedures listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in paragraph (c) of this section or the most recent measurements made by the licensee establishing the value of F. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to FCC approval, the licensee must furnish the FCC and also retain with the station records the measurement data used as a basis for determining the value of F.

* * * *

§ 73.682 [Amended]

5. 47 CFR 73.682 is amended by removing paragraph (b) and redesignating present paragraph (c) as (b).

6. 47 CFR 73.1212 is amended by revising paragraph (c) to read as follows:

§ 73.1212 Sponsorship identification; list retention; related requirements.

(c) In any case where a report has been made to a broadcast station as required by section 507 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such broadcast station, an appropriate announcement shall be made by such station.

7. 47 CFR 73.1515 is amended by revising paragraph (c)(4) as follows:

§ 73.1515 Special field test authorizations.

(c) ***
(4) The input power to the final amplifier stage, and the AM antenna current or the FM or TV transmitter output power must be observed and recorded at half hour intervals and at any time that the power is adjusted or changed. Copies of these records must be submitted to the FCC with the required report.

8. 47 CFR 73.1570 is amended by revising paragraph (b)(3)(ii) to read as follows:

§ 73.1570 Modulation levels: AM, FM, and TV aural.

(b) ***
(3) ***
(ii) TV stations transmitting multiplex signals on the aural carrier for telemetry, or Subscription Television Service, must limit the modulation of the main carrier by the arithmetic sum of the subcarriers to not more than 15%.

9. New 47 CFR 73.1695 is added to the rules to read as follows:

§ 73.1695 Changes in transmission standards.

The FCC will consider the question whether a proposed change or modification of transmission standards adopted for broadcast stations would be in the public interest, convenience, and necessity, upon petition being filed by

the person proposing such change or modification, setting forth the following:

(a) The exact character of the change or modification proposed;

(b) The effect of the proposed change or modification upon all other transmission standards that have been adopted by the FCC for broadcast stations;

(c) The experimentation and field tests that have been made to show that the proposed change or modification accomplishes an improvement and is technically feasible;

(d) The effect of the proposed change or modification in the adopted standards upon operation and obsolescence of receivers;

(1) Should a change of modification in the transmission standards be adopted by the FCC, the effective date thereof will be determined in the light of the considerations mentioned in this paragraph (d);

(e) The change in equipment required in existing broadcast stations for incorporating the proposed change or modification in the adopted standards; and

(f) The facts and reasons upon which the petitioner bases the conclusion that the proposed change or modification would be in the public interest, convenience, and necessity.

10. 47 CFR 73.3526 is amended by removing paragraph (a)(13) and marking it Reserved and revising the introductory text of paragraph (e) to read as follows:

§ 73.3526 Local public inspection file of commercial stations.

(a) ***
(13) [Reserved]

(e) *Period of retention.* The records specified in paragraph (a)(4) of this section shall be retained for the period specified in § 73.1940 (2 years). The manual specified in paragraph (a)(6) of this section shall be retained indefinitely. The letters specified in paragraph (a)(7) of this section shall be retained for the period specified in § 73.1202 (3 years). The "issues/programs" list specified in paragraph (a)(14) of this section shall be retained for the term of the license (7 years). The certification specified in paragraph (a)(15) of this section shall be retained for the period specified in § 73.3580 (for as long as the application to which it refers). The records specified in paragraphs (a) (1), (2), (3), (5), (8), (9), (11), and (12) of this section shall be retained as follows:

11. 47 CFR 73.3527 is amended by removing paragraph (a)(9) and marking it Reserved and by revising the introductory text of paragraph (g) to read as follows:

§ 73.3527 Local public inspection file of noncommercial educational stations.

(a) * * *
(9) [Reserved]

(g) *Period of retention.* The records specified in paragraph (a)(4) of this section shall be retained for the period specified in § 73.1940 (2 years). The manual specified in paragraph (a)(6) of this section shall be retained indefinitely. The donor list specified in paragraph (a)(8) of this section shall be retained for two years as specified in § 73.1840. The certification specified in paragraph (a)(10) of this section shall be retained for the period specified in § 73.3580 (for as long as the application to which it refers). The records specified in paragraphs (a) (1), (2), (3), (5), (7), (b) and (c) of this section shall be retained as follows:

12. 47 CFR 73.3580 is amended by revising the introductory texts of paragraphs (d)(4) (i) and (ii) to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

(d) * * *
(4) * * *

(i) *Pre-filing announcements.* During the period and beginning on the first day of the sixth calendar month prior to the expiration of the license, and continuing to the date on which the application is filed, the following announcement shall be broadcast on the 1st and 16th day of each calendar month. Stations broadcasting primarily in a foreign language should broadcast the announcements in that language.

On (date of last renewal grant) (Station's call letters) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (expiration date).

Our license will expire on (date). We must file an application for license renewal with the FCC (date four calendar months prior to expiration date). When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last (period of time covered by the application), (only TV and noncommercial radio say the remainder of this paragraph) and projections of our programming during the next license period.

Individuals who wish to advise the FCC of

facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by (date first day of last full calendar month prior to the month of expiration).

Further information concerning the FCC's broadcast license renewal process is available at (address of location of the station's public inspection file) or may be obtained from the FCC, Washington, D.C. 20554.

(ii) *Post filing announcements.* During the period beginning on the date on which the renewal application is filed to the sixteenth day of the next to last full calendar month prior to the expiration of the license, all applications for renewal of broadcast station licenses shall broadcast the following announcement on the 1st and 16th day of each calendar month. Stations broadcasting primarily in a foreign language should broadcast the announcements in that language.

On (date of last renewal grant) (Stations call letters) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (expiration date).

Our license will expire on (date). We have filed an application for renewal with the FCC.

A copy of this application is available for public inspection during our regular business hours. It contains information concerning this station's performance during the last (period of time covered by the application), (only TV and noncommercial radio say the remainder of this paragraph) and projections of our programming during the next license period.

PART 74—[AMENDED]

13. 47 CFR 74.933 is amended by revising paragraph (a)(3) to read as follows:

§ 74.933 Remote control operation.

(a) * * *

(3) Facilities shall be provided at the control position which will permit the operator to turn the transmitter on and off at will. The control position shall also be equipped with devices suitable for observing the overall characteristics of the transmissions and a carrier-operated device which will give a continuous visual indication whenever the transmitting antenna is radiating a signal. The transmitter apparatus shall be inspected as often as may be necessary to insure proper operation.

[FR Doc. 2976 Filed 2-2-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 31222-248]

Foreign Fishing Provisions

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to revise the conditions that require redetermination of domestic annual processing capacity in the Atlantic silver and red hake fishery. The rule is intended to minimize administrative procedures and provide opportunity for public comment on redeterminations of domestic processing capacity.

EFFECTIVE DATE: March 5, 1984.

FOR FURTHER INFORMATION CONTACT:

Peter Colosi, 617-281-3600, ext. 272.

SUPPLEMENTARY INFORMATION: The proposed rulemaking was published in the *Federal Register* on August 30, 1983 (48 FR 39254), and requested public comment for 30 days ending September 29, 1983. No comments, either written or verbal, were received. Therefore, this final rule is established as originally proposed and described below.

The foreign fisheries for Atlantic silver and red hake have been governed since 1977 by the Preliminary Fishery Management Plan for the Hake Fisheries of the Northwestern Atlantic (PMP) and by the foreign fishing regulations (50 CFR 611.51). The regulations contain procedures for processing joint venture permits, and an associated reassessment of domestic annual processing capacity (DAP). The 1983 amendment to the PMP (48 FR 414) specified DAPs for the Georges Bank and Southern New England/Mid-Atlantic management units of silver hake which are less than the corresponding Domestic Annual Harvest (DAH); this results in surplus amounts above the U.S. harvests which may be available for joint ventures. Foreign fishing applications requesting amounts of silver and red hake up to specified levels may be approved without triggering formal procedures of this final rule.

However, if a joint venture permit application is received and if the amount of U.S.-harvested hake requested by the applicant exceeds the surplus available, the Secretary will reassess DAP for hake to determine whether additional JVP may be made available. This reassessment procedure,

contained in § 611.51 (b) and (c), requires that the Director, Northeast Region, National Marine Fisheries Service (NMFS) shall, on behalf of the Secretary, make an updated estimate of domestic annual processing capacity (DAP) and publish it in the *Federal Register*. A determination and notice must be published each time an application is received. If the new DAP estimate is less than the initial estimate of domestic annual harvest (DAH), then the surplus U.S. harvest is available for joint venture processing (JVP). If the new DAP estimate is equal to or greater than the initial DAH then no U.S.-harvested fish may be made available for joint venture processing.

This rulemaking clarifies the definition of JVP in § 611.51(a) and revises § 611.51(b) to provide for public comment on redetermination of DAP estimates (i.e. whether and to what extent U.S.-harvested hake will be processed by U.S. fish processors). This increases the opportunity for public participation in the process of reviewing joint venture permit applications in this fishery and will increase the information available to the Regional Director in revising DAP estimates.

Classification

The Regional Director determined that this regulatory amendment is necessary for the conservation and management of the Atlantic silver and red hake fishery and that it is consistent with the Magnuson Act and other applicable law.

On October 5, 1982, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) determined, based upon an environmental assessment, that there will be no significant environmental impact resulting from this action. Accordingly, an environmental impact statement is not required under the National Environmental Policy Act of 1969.

The proposed revision of 50 CFR 611.51 represents procedural changes designed to (1) reduce the frequency of determinations of DAP and (2) provide for public comment in this procedure. These procedural adjustments are of housekeeping nature and will have no economic impacts. The Assistant Administrator has determined, based upon the fact that this regulatory change is within the scope of the approved PMP, that this action is not major under Executive Order 12291. Accordingly, preparation of a regulatory impact analysis is not required.

Voluntary telephone surveys of projects domestic harvesting and processing capacity are conducted two or three times a year to support DAP