

Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

By adding the following entry to the table in Part 65, in § 65.431:

§ 65.431 EPA Approval of State Delayed Compliance Orders Issued to Major Stationary Sources.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Brown Group Recreational Products, Inc., Hedstrom Division.	Bedford, PA		Dec. 5, 1984	§ 129.52 of Title 25	Apr. 21, 1985

[FR Doc. 85-8430 Filed 4-8-85; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-145; FCC 85-123]

Television Waveform Standards Concerning Horizontal and Vertical Blanking Intervals

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC amends its rules to delete the limitation on the maximum durations of the vertical and horizontal blanking period during the transmission of video signals by television broadcast stations. This amendment is necessary to remove a rule which no longer serves a regulatory function and which restricts the broadcasting of certain historical tape recorded television programs and also the use of certain television program production equipment.

EFFECTIVE DATE: March 14, 1985.

FOR FURTHER INFORMATION CONTACT: Hank Van Deursen, Mass Media Bureau, Washington, D.C. 20554, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of television waveform standards concerning horizontal and vertical blanking intervals; BC Docket No. 79-145; FCC 85-123, FCC 85-123.

Adopted: March 14, 1985.

Released: March 22, 1985.

By the Commission.

Introduction

1. The Commission has under consideration a *Notice of Proposed Rule Making (Notice)*¹ in the above

¹ Adopted on November 19, 1984, 49 FR 47638 (December 6, 1984).

captioned matter and the comments filed in response thereto.² The *Notice* proposed to eliminate the maximum vertical and horizontal blanking interval standards from the Rules and make such standards available in an OST technical bulletin for good engineering practices. Vertical and horizontal blanking intervals are those periods during which synchronizing pulses are transmitted to control the vertical and horizontal scanning of the television picture. No picture information is transmitted during this time.

2. The Commission's Rules presently specify minimum and maximum timing values for both the horizontal and vertical blanking intervals. Maximum horizontal blanking is 11.44 microseconds and maximum vertical blanking is 21 lines (approximately 1335 microseconds). For several years, there has been a continuing problem with television broadcast signal waveforms exceeding the maximum values contained in the Rules. When this occurs, black borders may appear at the top and left hand side of the picture. Blanking interval width increases are inherent in much equipment used to process video signals and with some video source material.

Background/Comments

3. In 1979, the National Association of Broadcasters (NAB) recommended that the Commission not enforce the maximum vertical and horizontal blanking interval standards for a five year period. This would allow the broadcast industry and equipment manufacturers an opportunity to more fully investigate the problems associated with the blanking interval timing. The Commission adopted this temporary non-enforcement posture and is now in a position to render a final decision in this matter.

² Comments were filed by: American Broadcasting Companies, Inc (ABC); CBS, Inc. (CBS); Richard LaSota (LaSota); Multimedia, Inc (Multimedia); National Association of Broadcasters (NAB); National Broadcasting Company, Inc (NBC); Public Broadcasting Service (PBS); Television Stations WNET, KOSA, WRAU, KCAU, WSAW, WTRF, WMTV, WAFB, WCTV, KGUN, KMTV, KICU, WAKR, WWTW, WWUP, WKRG (TV Licensees). No reply comments were filed.

4. Most respondents to the *Notice* favored the proposal to remove the maximum vertical and horizontal blanking interval standards from the Rules. The comments indicated that there is a large amount of video material that would not meet either the present standard nor somewhat more liberal standards. This category of material includes instructional television material, some material from Electronic News Gathering efforts, and news footage of historic events. They asserted that this material is of interest to the viewing audience, but correcting such material would be very expensive. In some cases, even after extensive post-processing, some material may still not conform to the blanking intervals currently specified in the Rules.

5. The NAB stated that "the industry has been diligent in attempting to comply with the intent of the blanking rules. Since the proceeding began in 1979, substantial progress has been made by broadcasters and equipment manufacturers to correct the problem, except when there is involved certain archival program material. The heightened awareness of blanking standards, created by this proceeding, has served an important purpose."

6. Only one comment was received which opposed the removal of the standards on the premise that "resistance to the standards was based on the absence of available, reasonable priced equipment for monitoring the width and position of blanking signals." The commenter stated that he has developed an inexpensive monitoring device which will detect excessive blanking intervals. However, the cost of measurement equipment is not an issue in this proceeding because stations already do have monitoring equipment capable of making these measurements. Furthermore, measurement equipment does appear to be a factor affecting the underlying causes of the blanking interval problems.

Discussion

7. The five year hiatus in enforcement of the blanking interval standard has passed and it now appears that a

marketplace approach is warranted. Incorrect blanking interval timing affects only the viewers of a particular station. Other co-channel and adjacent channel stations are not affected. So the standard is really one of on-channel quality, not interference. Furthermore, there is no indication in the record that non-enforcement of the blanking intervals standards has resulted in viewer dissatisfaction with TV pictures during this period.

8. Competition is keen among broadcasters and other video suppliers, and a strong incentive exists for each station to supply the best possible picture. However, market demands may dictate a tradeoff between blanking interval timing and choices of available programming. For example, much of the archival material may not meet the standards, but such programming may be of great interest to a station's viewing audience. Government regulations should not impede the airing of such material nor require that the material undergo expensive processing prior to airing. We are confident that the broadcasters will exercise good judgment and keep their audiences in mind when choosing and supplying programming. Therefore, it seems appropriate to remove the maximum blanking interval standards from the Rules.

9. Accordingly, the current maximum blanking interval standards will be designated as recommended limits. This will provide guidance to broadcasters, production houses, and manufacturers, and will permit judgments consistent with programming needs. We would hope that eventually the industry will set its own voluntary guidelines in such quality areas.

10. Regulatory Flexibility Final Analysis.

I. *Reason for action:* The current Rules prescribe transmission standards that cannot be met by broadcasters for several sources of program material. This action should eliminate that dilemma.

II. *The objective:* The Commission's action is designed to provide broadcast licensees with more freedom in choosing program material without the fear of violating FCC technical rules.

III. *Legal basis:* Action is proposed in accordance with sections 303 (g) and (r) of the Communications Act of 1934, as amended, which charges the Commission to encourage the most effective use of radio in the public interest.

IV. *Description, potential impact, and number of small entities affected:* The rule changes should favorably affect all television broadcast stations and

viewers by eliminating technical rules that now restrict the transmission of certain video material, if the material exceeds the allowed horizontal or vertical blanking interval limits.

V. *Recording, recordkeeping, and other compliance requirements:* None.

VI. *Federal Rules which overlap, duplicate, or conflict with this Rule:* None.

VII. *Any significant alternatives minimizing impact on small entities and consistent with the stated objective:* None.

Paperwork Reduction Act

11. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Actions

12. The Secretary shall cause a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.*)

13. Accordingly, it is ordered that Part 73 of the Commission's Rules is amended as set forth in the attached Appendix, to be effective upon adoption pursuant to section 5 U.S.C. s/s 553(d)(i). It is further ordered that this proceeding is terminated. Authority for the action taken herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

14. Further information on this proceeding may be obtained by contacting Hank Van Deusen, Mass Media Bureau, (202) 632-9660.

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

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

PART 73—[AMENDED]

Title 47 of the Code of Federal Regulations, Part 73 is amended as follows:

1. Section 73.699 Figure 6 would be amended by adding a new "Note" 19 to read as follows:

§ 73.699 TV engineering charts.

Notes

1. Maximum horizontal and vertical blanking intervals are recommended values only.

2. Section 73.699 Figure 7 would be amended by adding a new "Note" 12 to read as follows:

§ 73.699 TV engineering charts.

Notes

12. Maximum horizontal and vertical blanking intervals are recommended values only.

§ 73.4270 [Removed]

3. Section 73.4270 entitled *TV broadcast signals: Technical standards* is removed in its entirety.

[FR Doc. 85-7525 Filed 4-8-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 73 and 76

Oversight of the Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast station regulations in Parts 73 and 76 of the rules of the FCC. Amendments are made to delete regulations that are no longer necessary, correct inaccurate rule texts, contemporize certain requirements and to execute revisions as needed for purposes of clarity and ease of understanding.

EFFECTIVE DATE: Effective April 9, 1985.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 73

Radio broadcasting.

47 CFR Part 76

Cable television.

Order

In the matter oversight of the radio and TV broadcast rules.

Adopted: March 28, 1985.

Released: April 4, 1985.

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) As part of the restructuring and reformatting of the broadcast rule book in 1979,¹ certain requirements pertaining to broadcast applications and reports to the FCC were removed from Subpart D of Part 1 of Title 47 to Subpart H of Part 73. In order to facilitate the change and to aid rule users in tracking the new rule section numbers and locations, cross references were left in Part 1 under each rule title to "See Section 73.3xxx" (the new rule number). A number of these transferred rules have been eliminated in Part 73, but the cross references have not been removed from Part 1. This is corrected with following deletion amendments:

(i) Section 1.547 Application for permission to use lesser grade operators, is deleted from Part 1 as a result of Section 73.3547 being removed in the Report and Order in Docket 20817, Radio Operator Licensing Program, 46 FR 35450, July 8, 1981;

(ii) Section 1.548 Application to operate by remote control, is deleted from Part 1 as a result of § 73.3548 being removed in the Report and Order in MM Docket 84-110, Operation of AM, FM and TV Broadcast Transmitters, 49 FR 47608, December 6, 1984;

(iii) Section 1.569 Applications for frequencies adjacent to Class I-A channels, is deleted from Part 1 as a result of Section 73.3569 being removed in the Report and Order in Docket 20642, Clear Channel Broadcasting in the AM Broadcast Band, 45 FR 43172, June 26, 1980.

(iv) Section 1.611 Financial report, is deleted from Part 1 as a result of § 73.3611 being removed in the Report and Order in BC Docket 80-190, Annual Financial Report of Broadcast Stations, 47 FR 13345, March 30, 1982. (See Appendix items 1, 2, 3 and 4.)

(b) Paragraph (a) of § 73.99, pertaining to presunrise and postsunset service for daytime stations, erroneously states "... Provisions are made for presunrise service and postsunrise service." The "postsunrise" service reference obviously should read postsunset.

Another inadvertency is remedied in paragraph (e)(4) of this rule section. In the Memorandum Opinion and Order in BC Docket 82-538,² this paragraph was

revised to state that "Class III stations operating PSRA and PSSA are required to provide full protection to foreign Class II stations." It was meant, of course, to read "... foreign Class III stations." Corrections to these errors in the rule are made via this Order. (See appendix item 5.)

(c) In a Commission Order adopted August 24, 1982,³ effective dates, long past, were removed from paragraphs (a) and (b) of § 73.561 Operating schedule; time sharing. When the rule appeared in the next edition of the Code of Federal Regulations, subparagraphs (b) (1) and (2) had been erroneously deleted. Apparently, this was due to miscrafting when the Order and rule change were given public notice in the Federal Register. A later correction was made but apparently missed, and the printing of the October 1984 edition Code of Federal Regulations was without the subparagraphs. Those subparagraphs, (b) (1) and (2), are reinstated herein. (See appendix item 6.)

(d) In the TV table of assignments, § 73.606, certain symbols may be used with the channel numbers to designate operational (i.e., carrier frequency offsets) or service (i.e., commercial or noncommercial station) characteristics. The use of the asterisk (*) designates the channel is to be used for noncommercial educational broadcast stations only. Channel 10 in Silver City, New Mexico bears the asterisk symbol. But, it is erroneously designated. It is *not* a noncommercial educational channel, but is assigned for commercial stations. The asterisk is deleted via this Order. (See appendix item 7.)

(e) When the rule sections pertaining to multiple ownership were removed from the separate subparts for AM, FM and TV stations, they were combined into one rule applicable to all broadcast services and placed in Subpart H of Part 73, the rule subpart where all-service applicability pertains.⁴ A cross reference to the former TV Multiple Ownership rule section in Subpart E, § 73.636, still exists in § 73.633 (c)(2). This cross reference in § 73.633 is revised to read, § 73.3555, Multiple Ownership's correct and current designation. (See appendix item 8.)

(f) In paragraph (b) of § 73.1675 Auxiliary antennas, a cross reference is made to the sections pertaining to modification of transmission systems and gives section number in the separate services' subparts. Modification of transmission systems

was revised in 1982⁵ by combining the rules for AM, FM and TV into one regulation for all services, designated § 73.1690, and placed in Subpart H of Part 73. The cross reference shown in § 73.1675 is corrected to refer the rule user to § 73.1690. (See appendix item 9.)

(g) In § 76.99, Grandfathering, the opening sentence cross references four other Part 76 rules sections, §§ 76.92, 76.94, 76.151 and 76.153. The Report and Order in Dockets 20988 and 21284⁶ eliminated §§ 76.151 and 76.153 from the rules. The cross references to them which remains in 76.99 are removed herein. (See appendix item 10.)

2. The Commission gives continuing review of its rules pursuant to section 610 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 610. The purpose of the review is to determine if our rules impose a significant economic impact on a substantial number of small entities. Our rule evaluations in the period of January 1 to March 12 included 11 rule sections in Part 73, Subpart E of 47 CFR; and 31 rules sections in Part 73, Subpart H of 47 CFR.

3. 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.

4. These amendments are implemented by authority designated 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 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).

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

6. 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 Sections 0.61 and 0.283 of the Commission's Rules, Parts 73 and 76 of the FCC Rules and Regulations are amended as set forth in the attached appendix, effective upon publication in the Federal Register.

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

¹ 47 FR 40170, September 13, 1982.

² Report and Order in Docket No. 20521, Multiple Ownership of AM, FM, TV, and CATV Stations, 49 FR 19482, May 8, 1984.

³ 47 FR 8590, March 1, 1982.

⁴ 45 FR 60180, September 11, 1980; 79 FCC 2d 663.

⁵ Order, In the Matter of Reregulation of Radio and TV Broadcasting, 72 FCC 2d, 534.

⁶ 49 FR 17942, April 20, 1984.

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

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

Appendix

PART 1—[AMENDED]

§ 1.547 [Removed]

1. 47 CFR 1.547 *Application for permission to use lesser grade operators* is removed in its entirety.

§ 1.548 [Removed]

2. 47 CFR 1.548 *Application to operate by remote control* is removed in its entirety.

§ 1.569 [Removed]

3. 47 CFR 1.569 *Applications for frequencies adjacent to Class I-A channels* is removed in its entirety.

§ 1.611 [Removed]

4. 47 CFR 1.611 *Financial Report* is removed in its entirety.

PART 73—[AMENDED]

5. 47 CFR 73.99 is amended by revising paragraphs (a) and (e)(4) to read as follows:

§ 73.99 Presunrise service authorization (PSRA) and Postsunset service authorization (PSSA).

(a) To provide the maximum uniformity in early morning operation compatible with interference considerations, and to provide for additional service during early evening hours for daytime-only stations, provisions are made for presunrise service and postsunset service. The permissible power to be assigned to presunrise or postsunset service authorization will not exceed 500 watts, or the authorized daytime or critical hours power (whichever is less).

(e) * * *

(4) Class III stations operating PSRA and PSSA are required to provide full protection to co-channel foreign Class III stations.

6. 47 CFR 73.581 is amended by adding paragraphs (b)(1) and (b)(2) to read as follows:

§ 73.561 Operating schedule; time sharing.

(b) * * *

(1) The licensee and the prospective licensee(s) shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and shall set forth which licensee is to operate on

each of the hours of the day throughout the year. Such agreement shall not include simultaneous operation of the stations. Each licensee shall file the same in triplicate with each application to the Commission for initial construction permit or renewal of license. Such written agreements shall become part of the terms of each station's license.

(2) The Commission desires to facilitate the reaching of agreements on time sharing. However, if the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the application proposing time sharing. Thereafter the Commission will designate the application for hearing on any qualification issues arising regarding the renewal or new applicants. If no such issues pertain, the Commission will set the matter for expedited hearing limited solely to the issue of the sharing of time. In the event the stations have been operating under a time sharing agreement but cannot agree on its continuation, a hearing will be held, and pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

§ 73.606 [Amended]

7. 47 CFR 73.606, *Table of Assignments*, is amended by removing the asterisk (*) designation from Channel 10+, under the community of Silver City in the New Mexico listing of TV channels.

8. 47 CFR 73.683 is amended by revising paragraph (c)(2) to read as follows:

§ 73.683 Field strength contours.

(c) * * *

(2) In connection with problems of coverage arising out of application of § 73.3555.

9. 47 CFR 73.1675 is amended by revising paragraph (b) to read as follows:

§ 73.1675 Auxiliary antennas.

(b) An application for a construction permit to install a new auxiliary antenna, or to make changes in an existing auxiliary antenna for which prior FCC authorization is required (see § 73.1690), must be filed on FCC Form 301 (FCC Form 340 for noncommercial educational stations).

10. 47 CFR 76.99 is revised to read as follows:

§ 76.99 Grandfathering.

The provisions of §§ 76.92 and 76.94 shall not be deemed to deprive a TV station whose signal was carried by a community unit prior to March 31, 1972, of the nonnetwork program exclusivity rights that such station had on March 30, 1972. However, such exclusivity rights shall extend only to simultaneous duplication of programming by lower priority television stations, unless the stations whose exclusivity rights are at issue is entitled to same-day network program nonduplication protection pursuant to § 76.94(b), in which case that station shall also be entitled to continued same-day nonnetwork program exclusivity.

[FR Doc. 85-8448 Filed 4-8-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 81

[PR Docket No. 84-760]

Restricted Radiotelephone Operator Permit (RP)

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Report and Order which was printed in the Federal Register on February 11, 1985 (50 FR 5590). The Appendix to the Report and Order inadvertently omitted reference to the requirements for coast stations in Alaska. This document is intended to correct the Report and Order to specifically reference these requirements.

FOR FURTHER INFORMATION CONTACT: Loretta J. Garcia, Private Radio Bureau, Aviation and Marine Branch, Washington, D.C. 20554, (202) 832-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 81

Coast stations, Telephone.

Erratum

In the Matters of Amendment of Parts 81, 83 and 87 of the rules concerning requirements for Restricted Radiotelephone Operator Permits; FR Docket No. 84-760.

Released: April 3, 1985.

1. On January 30, 1985, the Commission released a Report and Order in the above-captioned proceeding, FCC 85-42, 50 FR 5590. In the Appendix, § 81.152(d) inadvertently omitted reference to the requirements for coast stations in Alaska. We are amending § 81.152(d) to specifically reference these requirements.