

prohibited unless authorized by the Coast Guard commissioned, warrant, or petty officer in charge of a Coast Guard vessel enforcing the security zone.

EFFECTIVE DATES: This regulation becomes effective when the USS THOMAS S. GATES passes the Delaware Bay Entrance Channel Lighted Buoy Number 6 while headed for Philadelphia, Pennsylvania, at approximately 0300 (3:00 AM EDT) on August 18, 1987. It terminates when the USS THOMAS S. GATES passes the Delaware Bay Entrance Channel Lighted Buoy Number 6 while headed for sea at approximately 1800 (6:00 PM EDT) on August 25, 1987.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Ellis Davison at (609) 456-1370.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent destruction of the USS THOMAS S. GATES.

Drafting Information

The drafters of this regulation are Lieutenant Commander Ellis Davison, project officer for the Captain of the Port, and Commander Robert J. Reining, project attorney, Commander Fifth Coast Guard District Legal Staff.

Discussion of Regulation

The commissioning of the U.S. Navy cruiser USS THOMAS S. GATES is considered to be a cornerstone of the We the People 200 Celebrations planned for Summer of 1987 in Philadelphia. As such it will receive extensive media attention and could be a target for subversive, terrorist, or anti-nuclear demonstrations or activities. The Thomas S. Gates Commissioning Committee, consisting of representatives from the Coast Guard, local government, local and federal law enforcement and intelligence agencies, the Navy, and the We the People 200 organization, has been meeting since December 1986 to plan for the event. The Committee has requested a security zone be established by the Captain of the Port, Philadelphia, around the vessel for the period during which the vessel is transiting the Delaware River and Bay. This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of Part 165.

Economic Assessment and Certification

This rule is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The extent of the security zone is so small that it will not prevent or impede maritime traffic except during the short maneuvering period while docking and undocking at Penn's Landing. During other periods of time while the regulation is in effect, maritime commerce will be able to transit the river freely and maintain the required distance from the USS THOMAS S. GATES with no, or at most minor, course or speed alterations. Since the impact of this rule is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulations

In consideration of the foregoing, Subpart D of Part 165 of Title 33, Code of Federal Regulations is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 33 CFR 160.5.

2. A new § 165.T05047 is added to read as follows:

§ 165.T05047 Security Zone: Delaware River and Bay in the vicinity of the USS THOMAS S. GATES.

(a) *Location.* The following area is a temporary security zone while the vessel USS THOMAS S. GATES is on the Delaware River or Bay for commissioning activities:

(1) The waters of the Delaware River and Bay, within 200 yards of the USS THOMAS S. GATES, but excluding the USS THOMAS S. GATES, while this ship transits inbound or outbound, between the Delaware Bay Entrance Channel Lighted Buoy Number 6 (light list number 37910) and Penn's Landing, Philadelphia, Pennsylvania.

(b) *Effective date.* This regulation becomes effective when the USS THOMAS S. GATES passes the

Delaware Bay Entrance Channel Lighted Buoy Number 6 while headed for Philadelphia, Pennsylvania, at approximately 0300 (3:00 AM EDT) on August 18, 1987. It terminates when the USS THOMAS S. GATES passes the Delaware Bay Entrance Channel Lighted Buoy Number 6 while headed for sea at approximately 1800 (6:00 PM EDT) on August 25, 1987.

(c) *Regulation.* (1) Except for vessels which are moored at marinas, wharves, or piers, or are anchored in established anchorage areas, and which remain moored or anchored while the USS THOMAS S. GATES passes their location, no vessel or person may enter or remain within this security zone without the permission of the Coast Guard commissioned, warrant, or petty officer in charge of a Coast Guard vessel enforcing the security zone.

Dated: July 21, 1987.

E.K. Roe,

Captain, U.S. Coast Guard, Captain of the Port, Philadelphia.

[FR Doc. 87-19074 Filed 8-19-87; 8:45 am]

BILLING CODE 4910-14-M

PANAMA CANAL COMMISSION

35 CFR Part 9

Implementation of the Freedom of Information Reform Act of 1986 and Revisions to the Fee Schedule of the Freedom of Information Act

AGENCY: Panama Canal Commission.

ACTION: Interim rule with request of comments.

SUMMARY: The Panama Canal Commission amends its regulations to implement the Freedom of Information Reform Act of 1986 and to update its fee schedule for Freedom of Information Act and Privacy Act requests. These changes would identify different types of requesters and bring the fees into conformance with current costs incurred by the agency in processing requests.

DATES: Effective November 18, 1987; comments must be received on or before October 19, 1987.

ADDRESS: Send written comments to Thomas C. Duty, Chief, Administrative Services Division, Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC 20036-4996 (Telephone: 202-634-6441).

SUPPLEMENTARY INFORMATION: The Panama Canal Commission is publishing interim regulations to implement the Freedom of Information Reform Act (Pub. L. 99-570) and to update the fees it charges requesters under the Freedom of Information Act and the Privacy Act to recover direct costs incurred by the agency in processing such requests.

This rule is not a major rule under the requirements of Executive Order 12291. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 35 CFR Part 9

Freedom of information, Organization, Functions and availability of records, Panama Canal Commission, Privacy.

For the reasons set out in the preamble, 35 CFR Part 9 is amended as follows:

PART 9—ORGANIZATION, FUNCTIONS AND AVAILABILITY OF RECORDS—PANAMA CANAL COMMISSION

1. The authority citation for Part 9 is revised to read as follows:

Authority: 5 U.S.C. 552, as amended by Pub. L. 99-570, 100 Stat. 3207; 22 U.S.C. 3611.

2. Section 9.2 is revised to read as follows:

§ 9.2 Organization

The principal office of the Panama Canal Commission is located at Balboa Heights, Republic of Panama. The Office of the Secretary of the Panama Canal Commission is located at 2000 L Street NW, Suite 550, Washington, DC 20036-4996. The Commission also maintains a procurement office at 4400 Dauphine Street, New Orleans, LA 70146-6800.

§§ 9.4, 9.6, and 9.8 [Amended]

3. In § 9.4, §§ 9.6(a)(1) and 9.8(b)(1), all references to zip code "34011" are revised to read "34011-5000".

4. Section 9.5(a) is revised to read as follows:

§ 9.5 The Freedom of Information Act.

(a) The Freedom of Information Act (5 U.S.C. 552) is a law which creates a procedure for any person to request official records from United States Government agencies. The rest of the rules in this subpart explain how you may request official records from the Panama Canal Commission.

5. Section 9.6(b) is revised to read as follows:

§ 9.6 How to make a Freedom of Information Act request.

(b) The Panama Canal Commission may request that you furnish

information as to the purpose of your request. Such information is required to assist agency officials in categorizing your request in order to accurately assess fees.

6. Section 9.11 is revised to read as follows:

§ 9.11 Fees for Freedom of Information Act requests.

(a) The following are fees charged by the Commission for document search and reproduction.

(1) Search for records: \$7.10 per hour of search conducted by clerical personnel, and \$23.50 per hour of search conducted by supervisory or professional personnel.

(2) Search requiring computers: \$185.94 for the first two hours or fraction of the first two hours; \$92.97 for each additional hour.

(3) Copying: \$0.13 per page for the first copy of a record. The word "page" refers to a paper copy of a standard agency size which is 8½" x 11" or 11" x 14". For additional copies, you will be charged the official Panama Canal Commission tariff rate for reproduction.

(4) Converting microfilm to paper copy: \$0.13 per page for the first copy of a record. For additional copies, you will be charged the official Panama Canal Commission tariff rate for reproduction. Microfilm search charges will be at the clerical rate.

(5) Duplication of tape recordings: (i) *Labor costs:* \$10.65 per ½ hour for 40 channel tape recording; \$7.30 per ½ hour for basic tape recording; \$9.35 per ½ hour for video tape recording. Minimum charge for taping is ½ hour.

(ii) *Material costs:* No cost will be assessed to tapes if provided by requester. If agency furnishes tapes, the requester will be charged direct purchasing costs.

(6) Duplication of photographs: Black and white, up to 8" x 10", \$2.55 per print; color, up to 8" x 10", \$9.20 per print.

(7) Duplication of canal sounding and engineering charts, graphs, and drawings (reproducible and non-reproducible) at cost recovery rate.

(8) Other services: If there is no specific fee listed in this section for a service necessary for handling your request, you will be charged the official agency tariff for that service. If no tariff exists for that service, the Agency Records Officer is authorized to charge the direct cost to the Commission of that service.

(b) Review fees are chargeable only when a request is for a commercial use, as defined in 9.12(1). Review fees will be charged in accordance with the search fee rates set forth in 9.11(a)(1).

(c) If the Commission estimates that

search charges are likely to exceed \$25.00, and the requester has not previously agreed to pay fees as high as those anticipated, the agency will notify the requester of the estimated amount of fees, and offer the requester the opportunity to revise the request.

(d) The Panama Canal Commission may require a requester to pay fees in advance only if the estimated charges are likely to exceed \$250.00, or the requester has previously failed to pay a fee in a timely fashion (i.e., within 30 days of the date of billing).

(1) If the requester has a history of prompt payment, and the estimated charges are likely to exceed \$250.00, the Commission will notify the requester of the estimated cost and obtain satisfactory assurance of full payment.

(2) If the requester has no prior payment history, and the estimated charges are likely to exceed \$250.00, the agency may require an advance payment of an amount up to the full amount of estimated charges.

(3) If the requester has a poor payment history, the agency may require advance payment of the full amount of the estimated fees, as well as any amount currently owed, plus interest on the delinquent amount, before the agency begins to process a new or pending request from that requester.

(4) When the agency acts under this subsection, the administrative time limits prescribed in sections 9.7(a) and 9.9(a) will begin only after receipt of the required fee payments.

(e) If you wish to request a waiver or reduction of fees, you must do so in writing. The official granting or denying your request or appeal may waive or reduce the fees if the official decides that providing the records you request would be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government, and disclosure of the information is not primarily in the commercial interest of the requester.

(f) This agency will assess interest charges on an unpaid bill starting on the 31st day following the day on which the bill was sent. Interest will be computed at the rate prescribed in Section 3717 of Title 31, United States Code, and will accrue from the date of the billing.

§§ 9.12 and 9.13 [Redesignated as §§ 9.14 and 9.15]

7. Sections 9.12 and 9.13 are redesignated as §§ 9.14 and 9.15, respectively.

New §§ 9.12 and 9.13 are added to read as follows:

§ 9.12 Definitions.

"Commercial use" refers to a request or a requester seeking information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

"Duplication" refers to the process of making a copy of document necessary to respond to a Freedom of Information Act request. Such copies can take the form of paper copy, microfilm, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others. The copy provided will be in a form that is reasonably usable by the requester.

"Educational institution" refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates programs of scholarly research.

"Non-commercial scientific institution" refers to an institution that is not operated on a commercial basis and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

"Representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. As used herein, the word "news" means information that is about current events or that would be of current interest to the public.

"Review" refers to the process of examining documents located in response to a request that is for a commercial use to determine whether any portion of any document located is permitted to be withheld. It also includes the time spent processing any documents for disclosure; i.e., doing all that is necessary to delete unreleaseable portions and prepare documents for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

"Search time" is the time spent by the agency to identify the documents requested and will be charged in accordance with 9.11(a) (1) and (2).

§ 9.13 Classifying requests for fee purposes.

(a) When the Panama Canal Commission receives a request for documents that appears to be for commercial use, fees will be assessed for the total search time, review time, and all duplication of the documents.

Requestors must reasonably describe the records sought. When the agency has reasonable cause to doubt the stated use of the documents, or where the use is not clear from the request itself, the agency can seek additional clarification. Requesters should note that the Panama Canal Commission may assess fees for search and review even if no documents are determined to be releasable under the Freedom of Information Act.

(b) Educational institution requesters will be provided the first 100 pages of duplication without charge and will not be charged for search time. To be eligible for this reduction in fees, the requester must show that the request is being made under the auspices of a qualifying institution and that the records are being sought to further scholarly research and not for commercial use. The requester must reasonably describe the records sought.

(c) Non-commercial scientific institution requesters will be provided the first 100 pages without charge and will not be charged for search time. To be eligible for this reduction in fees, the requester must show that the request is being made under the auspices of a qualifying institution and that the records are being sought to further scientific research and not for commercial use. The requester must reasonably describe the records sought.

(d) Representatives of the news media will be provided the first 100 pages without charge and will not be charged for search time. To be eligible for reduction in fees, the requester must meet the criteria prescribed in § 9.12(4) and the request must not be for commercial use. A request for records supporting the news dissemination function of the requester will not be considered to be a request that is for a commercial use. The requester must reasonably describe the records sought.

(e) For all other requesters who do not fit into the above categories, fees will be charged which recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time will be furnished without charge. The requester must reasonably describe the records sought.

(f) Those requesters searching for records about themselves will be treated under the Privacy Act of 1974 and will only be charged for reproduction costs.

(g) A requester may not file multiple requests solely in order to avoid payment of fees. When the agency reasonably believes that a requester is attempting to separate a request into a

series of requests for the purpose of evading the assessment of fees, the agency may aggregate any such requests and charge accordingly.

Dated: July 30, 1987.

D.P. McAuliffe,
Administrator, Panama Canal Commission.

[FR Doc. 87-18835 Filed 8-19-87; 8:45 am]

BILLING CODE 3640-04-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 73 and 74**

[MM Docket No. 87-13; FCC 87-244]

FM Radio, Television; Amendment to the Commission's Rules Concerning FM Booster Stations and Television Booster Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order amends the Commission's rules to permit substantial increases in the output power of FM booster stations and to eliminate the restriction that such stations may only rebroadcast signals received over-the-air. The Report and Order also establishes a new television booster service to authorize licensees of television stations to operate TV boosters within their predicted service areas in a manner similar to that of FM boosters. The Commission believes these rule changes will provide opportunities for more efficient and effective use of on-channel FM and TV booster facilities to provide service to underserved and unserved areas and populations in areas where the signals of full service stations cannot reach due to intervening terrain obstructions.

EFFECTIVE DATE: September 21, 1987.

FOR FURTHER INFORMATION CONTACT: Marcia Glauber, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in MM Docket 87-13, adopted July 16, 1987, and released August 5, 1987. The full text of this Commission decision, including the amendments to our rules, is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street,

Northwest, Suite 140, Washington, DC 20037.

Summary of the Report and Order

1. The existing restrictions on the permissible output power of FM booster stations limit their usefulness as a secondary, fill-in service which enables licensees to provide FM radio to audiences within their predicted service areas that cannot be reached directly due to intervening terrain obstructions. By this Report and Order, the Commission amends its rules to increase the maximum permissible effective radiated power (ERP) of FM boosters from the existing limit of 10 watts to 20 percent of the maximum ERP for the class of the primary station being rebroadcast. FM boosters will continue to be limited such that the predicted service contour of the booster station may not extend service beyond the predicted service area of the primary station it rebroadcasts. This is consistent with the Commission's policy of licensing boosters only to the licensee of their primary FM station for the purpose of providing a spectrum-efficient means to deliver signals to audiences the primary stations are licensed to serve.

2. In the *Notice of Proposed Rule Making* in this proceeding, the Commission proposed interference protection standards based on desired to undesired signal ratios of co-channel and first, second, and third adjacent channel stations to that of the boosters in order to ensure that higher power FM boosters do not increase interference to other signals. The technical standards adopted in this Report and Order are a modified version of those proposed in the *Notice*. The revised technical standards will balance the Commission's concern that booster stations not cause additional interference to other broadcast services with the desire to facilitate the increased use of booster facilities in the least burdensome manner. To protect against increased interference to co-channel stations, the Commission will rely on the protection afforded by the rule that booster service may not extend the service area of the primary station. This rule is designed to match the predicted contours of stations operating at maximum facilitates for their class with the required separation distances between stations that serve to prevent undesirable co-channel interference. As proposed in the *Notice*, to protect against undue interference to first adjacent channel stations, the Commission will require that the ratio of the signal of any such station to

the booster's signal be at least 6 dB at any location within the predicted contour of the adjacent channel station. In addition, because interference from FM boosters to second and third adjacent channel stations is unlikely, the existing interference protection standards for FM translators will be used to protect second and third adjacent channel stations from increased interference from FM boosters.

3. The operation and placement of FM booster stations also is limited in many areas by the restriction that such stations may only retransmit signals received over-the-air from the primary FM station. Therefore, the Commission will eliminate this restriction and will permit FM licensees full discretion to feed signals to their FM boosters by whatever technical means they deem suitable, including the use of aural broadcast auxiliary channels on a secondary, noninterference basis.

4. The Report and Order also establishes a new "television broadcast booster station" service which will permit the licensees or permittees of full service television stations to operate on-channel boosters to fill in TV service, on a secondary basis, to areas within their predicted contours that are unable to receive service due to intervening terrain obstructions. TV booster facilities will be permitted to be located only within the predicted Grade B contour of the primary station and will not be permitted to be used to extend that predicted service area. TV booster stations will be subject to the existing technical standards, including output power limits, for TV translators and low power TV stations to ensure that they do not cause undue interference to other broadcast services. The ownership of TV boosters will be limited to the licensee of the primary station being rebroadcast and generally will be authorized on a noncompetitive basis.

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

6. The rules adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burdens on the public. Implementation of these new/modified requirements and burdens will be subject to approval by the Office of Management and Budget as prescribed by the Act.

7. Accordingly, it is ordered that under the authority contained in sections 4(f)

and 303 of the Communications Act of 1934, as amended, Parts 73 and 74 of the Commission's Rules and Regulations are amended as set forth below.

8. It is further order that this proceeding is terminated.

Lists of Subjects in 47 CFR Parts 73 and 74

Radio broadcasting, Television broadcasting.

Rule Changes

Parts 73 and 74 of Title 47 of the Code of Federal Regulations are amended to read as follows:

1. The authority citations for Parts 73 and 74 continue to read as follows:

Authority: 47 U.S.C. 154 and 303.

PART 73—[AMENDED]

2. 47 CFR 73.1001 is amended by revising paragraph (c) to read as follows:

§ 73.1001 Scope.

(c) Certain provisions of this subpart apply to International Broadcast Stations (Subpart F, Part 73), Low Power TV, TV Translator and TV Booster Stations (Subpart G, Part 74) where the rules for those services so provide.

3. 47 CFR 73.1010 is amended by revising paragraph (e)(5) to read as follows:

§ 73.1010 Cross reference to rules in parts.

(e) ***
(5) Subpart G, Low Power TV, TV Translator and TV Booster Stations;

4. 47 CFR 73.3500 is amended by renaming Form 346; renaming Form 347; and removing Form 349-R and its title, Application for Renewal of FM Booster Station License, to read as follows:

§ 73.3500 Application and report forms.

Form No.	Title
346	Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator, TV Booster or FM Translator Station.
347	Application for a Lower Power TV, TV Translator, TV Booster, or FM Translator Station License.

5. 47 CFR 73.3521 is Revised to read as follows:

§ 73.3521 Mutually exclusive applications for low power television, television translators and television booster stations.

When there is a pending application for a new low power television, television translator, or television booster station, or for major changes in an existing station, no other application which would be directly mutually exclusive with the pending application may be filed by the same applicant or by any applicant in which any individual in common with the pending application has any interest, direct or indirect, except that interests or less than 1% will not be considered.

6. 47 CFR 73.3522 is amended by revising paragraph (a) to read as follows:

§ 73.3522 Amendment of applications.

(a) Predesignation amendment. (1) Subject to the provisions of §§ 73.3525, 73.3571, 73.3572, 73.3573, and 73.3580, and except as provided in paragraph (a)(2) of this section, any application, other than an application for a low power TV, TV translator, TV booster or a nonreserved band FM station may be amended as a matter of right prior to the adoption date of an order designating such applications for hearings, merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 73.3513. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

(2) Subject to the provisions of §§ 73.3525, 73.3571, 73.3572, 73.3573 and 73.3580, and except for applications for low power TV, TV translator, TV booster or non-reserved band FM stations, mutually exclusive broadcast applications may be amended as a matter of right by the date specified (not less than 30 days after issuance) in the FCC's Public Notice announcing the acceptance for filing of the last-filed mutually exclusive application. Subsequent amendments prior to designation of the proceeding for hearing will be considered only upon a showing of good cause for late filing or pursuant to § 1.65 or § 73.3514. Unauthorized or untimely amendments are subject to return by the FCC's staff without consideration.

(3) Subject to the provisions of §§ 73.3525, 73.3572, and 73.3580, and except as provided in paragraph (a)(4) of this section, any application for a low power TV, TV translator or TV booster station may be amended at any time.

(4) No applicant for a low power TV, TV translator or TV booster station which is mutually exclusive can improve its status with respect to § 1.1622 by

amendment of its application subsequent to the release of the initial Public Notice announcing the public lottery that will resolve the applicant's mutual exclusivity pursuant to § 1.1601 *et seq.*, notwithstanding the requirements of § 1.65.

(5) Paragraphs (b) and (c) of this section are not applicable to applications for low power TV, TV translator, or TV booster stations.

7. 47 CFR 73.3533 is amended by revising paragraph (a)(6) to read as follows:

§ 73.3533 Application for construction permit or modification of construction permit.

(a) * * *

(6) FCC Form 346, "Application for Authority to Construct or Make Changes in a Low Power, TV, TV Translator, TV Booster or FM Translator Station."

8. 47 CFR 73.3536 is amended by revising paragraph (a)(5) to read as follows:

§ 73.3536 Application for license to cover construction permit.

(a) * * *

(5) FCC Form 347, "Application for a Low Power TV, TV Translator, TV Booster, or FM Translator Station License."

9. 47 CFR 73.3564 is amended by revising paragraphs (a) and (c) to read as follows:

§ 73.3564 Acceptance of applications.

(a) Applications tendered for filing are dated upon receipt and then forwarded to the Mass Media Bureau, where an administrative examination is made to ascertain whether the applications are complete. Except for low power TV, TV translator, TV booster and non-reserved band FM (except for Class D) applications, those found to be complete or substantially complete are accepted for filing and are given file numbers. In the case of minor defects as to completeness, the applicant will be required to supply the missing information. Applications that are not substantially complete will be returned to the applicant. In the case of non-reserved band FM applications, those found to be substantially complete at tender will be accepted for tender and given file numbers. Non-reserved band FM applications that are not substantially complete will be returned to the applicant. In the case of low power TV, TV translator and TV booster applications, those found to be complete and sufficient will be accepted

for filing and given file numbers. Low power TV, TV translator, and TV booster applications that are not complete and sufficient will be returned to the applicant.

* * * * *

(c) At regular intervals, the FCC will issue a Public Notice listing all applications and major amendments thereto which have been accepted for filing, except for low power TV, TV translator, TV booster, and non-reserved band FM stations. Pursuant to §§ 73.3571(c), 73.3572(c) and 73.3573(d) such notice shall establish a cut-off date (not less than 30 days from the date of issuance) for the filing of mutually exclusive applications and petitions to deny. However, no application will be accepted for filing unless certification of compliance with the local notice requirements of § 73.3580(h) has been made in the tendered application.

* * * * *

10. 47 CFR 73.3572 is amended by revising the heading, revising paragraphs (a), (c), (d), (e), and adding paragraph (f)(5) to read as follows:

§ 73.3572 Processing of TV broadcast, low power TV, TV translator and TV booster station applications.

(a) Applications for TV stations are divided into two groups:

(1) In the first group are applications for new stations or major changes in the facilities of authorized stations. A major change for TV broadcast stations authorized under this part is any change in frequency or community of license which is in accord with a present allotment contained in the Table of Allotments (§ 73.606). Other requests for change in frequency or community of license for TV broadcast stations must first be submitted in the form of a petition for rulemaking to amend the Table of Allotments. In the case of low power TV, TV translator, and TV booster stations authorized under Part 74 of this chapter, a major change is any change in:

- (i) Frequency (output channel) assignment (does not apply to TV boosters);
- (ii) Transmitting antenna system including the direction of the radiation, directive antenna pattern or transmission line;
- (iii) Antenna height;
- (iv) Antenna location exceeding 200 meters; or
- (v) Authorized operating power.

(2) However, if the proposed modification of facilities, other than a change in frequency, will not increase the signal range of the low power TV, TV translator or TV booster station in

any horizontal direction, the modification will not be considered a major change. Provided, that in the case of an authorized low power TV, TV translator or TV booster station which is predicted to cause or receive interference to or from an authorized TV broadcast station pursuant to § 74.705 or interferes with broadcast or other services under §§ 74.703 or 74.709, that an application for a change in output channel, together with technical modifications which are necessary to avoid interference (including a change in antenna location of less than 16.1 km), will not be considered as an application for a major change in those facilities. Provided further, that the FCC may, within 15 days after the acceptance of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore subject to the provisions of §§ 73.3580 and 1.1111 pertaining to major changes.

(c) Applications for TV stations, other than low power TV, TV translator and TV booster stations, will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically release a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after issuance) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and petitions to deny the listed applications must be filed.

(d) Except for applications for low power TV, TV translator and TV booster stations, regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i.e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if channels 6, 13, 47 and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered grants without hearing and the two mutually exclusive

applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(e) Where applications, other than applications for low power TV, TV translator, and TV booster stations, are mutually exclusive because the distance between the respective proposed transmitter sites is contrary to the station separation requirements set forth in § 73.610, such applications will be processed and designated for hearing at the time the application with the lower file number is reached for processing. In order to be considered mutually exclusive with a lower file number application, the higher file number application must have been accepted for filing at least one day before the lower file number application has been acted upon by the FCC.

(f) ***
(5) TV booster station applications may be filed at any time and will be subject to the following procedures:

(i) Subsequent to filing, the FCC will release a Public Notice accepting for filing and proposing for grant those applications which are not mutually exclusive with any other TV translator, low power TV, or TV booster application, and providing for the filing of Petitions To Deny pursuant to § 73.3584;

(ii) Any application received during the filing period for TV translator, low power TV, or TV booster applications with which it is mutually exclusive will be included in the relevant public lottery pursuant to § 1.1601 *et seq.*; and

(iii) Applications received after the filing date for applications with which it is mutually exclusive will be dismissed as an untimely filing.

11. 47 CFR 73.3580 is amended by revising paragraphs (c), (d)(1) (d)(3), and (g) introductory text to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

(c) An applicant who files an application or amendment thereto which is subject to the provisions of this section, must give a notice of this filing in a newspaper. Exceptions to this requirement are applications for renewal of AM, FM, TV and International broadcasting stations; low power TV stations; TV and FM translator stations, TV booster stations; FM booster stations; and applications subject to paragraph (e) of this section. The local public notice must be completed within 30 days of the tendering of the application. In the event the FCC notifies the applicant that a

major change is involved, requiring the applicant to file public notice pursuant to §§ 73.3571, 73.3572, 73.3573 or 73.3578, this filing notice shall be given in a newspaper following this notification.

(d) ***

(1) An applicant who files for renewal of a broadcast station license, other than a low power TV station license not locally originating programming as defined by § 74.701(h), FM translator station, FM booster station, TV booster station or a TV translator station license, must give notice of this filing by broadcasting announcements on applicant's station. (Sample and schedule of announcements are below.) Newspaper publication is not required. An applicant who files for renewal of a low power TV station license not locally originating programming as defined by § 74.701(h), FM translator station, FM booster station, TV booster station or TV translator station licensee will comply with (g) below.

(2) ***

(3) An applicant who files for modification, assignment or transfer of a broadcast station license (except for International broadcast, low power TV, TV translator, TV booster, FM translator and FM booster stations) shall give notice of the filing in a newspaper as described in paragraph (c) of this section, and also broadcast the same notice over the station as follows:

(g) An applicant who files for an authorization, major modifications, assignment, transfer or renewal, or a major amendment thereto, for a low power TV, TV translator, TV booster, FM translator, or FM booster station must give notice of this filing in a daily, weekly or biweekly newspaper of general circulation in the community or area to be served.

(An applicant who files for renewal of a low power TV station locally originating programming as defined by § 74.701(h) must give notice pursuant to (d)(1) of this section.) The filing notice will be given immediately following the tendering for filing of the application or amendment, or immediately following notification to the applicant by the FCC that public notice is required pursuant to §§ 73.3572, 73.3573, or 73.3578.

12. 47 CFR 73.3584 is amended by revising paragraphs (a), (b), and (c) introductory text to read as follows:

§ 73.3584 Petitions to deny.

(a) Except in the case of applications for new low power TV, TV translator or

TV booster stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV and TV translator stations pursuant to § 73.3572(a)(1), any party in interest may file with the Commission a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to §§ 73.3571(j), 73.3572(b), 73.3573(b), 73.3574(b) or 73.3578) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed prior to the day such applications are granted or designated for hearing; but where the FCC issues a public notice pursuant to the provisions of §§ 73.3571(c), 73.3572(c) or § 73.3573(d), establishing a "cut-off" date, such petitions must be filed by the date specified. In the case of applications for transfers and assignments of construction permits or station licenses, Petitions to Deny must be filed not later than 30 days after issuance of a public notice of the acceptance for filing of the applications. In the case of applications for renewal of license, Petitions to Deny may be filed at any time up to the last day for filing mutually exclusive applications under § 73.3516(e). Requests for extension of time to file Petitions to Deny applications for new broadcast stations or major changes in the facilities of existing stations or applications for renewal of license will not be granted unless all parties concerned, including the applicant, consent to such requests, or unless a compelling showing can be made that unusual circumstances make the filing of a timely petition impossible and the granting of an extension warranted.

(b) Except in the case of applications for new low power TV, TV translator, or TV booster stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV or TV translator stations pursuant to § 73.3572(a)(1), the applicant may file an opposition to any Petition to Deny, and the petitioner a reply to such opposition in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof. The times for filing such oppositions and replies shall be those provided in § 1.45 except that as to a Petition to Deny an application for renewal of license, an opposition thereto may be filed within 30 days after the Petition to Deny is filed, and the party that filed the Petition to Deny may reply to the opposition within 20 days after opposition is filed,

whichever is longer. The failure to file an opposition or reply will not necessarily be construed as an admission of any fact or argument contained in a pleading.

(c) In the case of applications for new low power TV, TV translator, or TV booster stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV and TV translator stations pursuant to § 73.3572(a)(1), any party in interest may file with the FCC a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to § 73.3572(b)) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed within 30 days of the FCC Public Notice proposing the application for grant (applicants may file oppositions within 15 days after the Petition to Deny is filed); but where the FCC selects a tentative permittee pursuant to Section 1.1601 *et seq.*, Petitions to Deny shall be accepted only if directed against the tentative selectee and filed after issuance of and within 15 days of FCC Public Notice announcing the tentative selectee. The applicant may file an opposition within 15 days after the Petition to Deny is filed. In cases in which the minimum diversity preference provided for in § 1.1623(f)(1) has been applied, an "objection to diversity claim" and opposition thereto, may be filed against any applicant receiving a diversity preference, within the same time period provided herein for Petitions and Oppositions. In all pleadings, allegations of fact or denials thereof shall be supported by appropriate certification. However, the FCC may announce, by the Public Notice announcing the acceptance of the last-filed mutually exclusive application, that a notice of Petition to Deny will be required to be filed no later than 30 days after issuance of the Public Notice.

13. 47 CFR 73.3598 is amended by revising paragraph (b) to read as follows:

§ 73.3598 Period of construction.

(b) Other broadcast, auxiliary and Instructional TV Fixed Stations. Each original permit for the construction of a new AM, FM or International Broadcast; low power TV; TV translator; TV booster; FM translator; FM booster; broadcast auxiliary; or Instructional TV Fixed station, or to make changes in such existing stations, shall specify a period of no more than 18 months from the date of issuance of the original

construction permit within which construction shall be completed and application for licensed be filed.

14. 47 CFR 74.1 is amended by revising paragraph (b) to read as follows:

§ 74.1 Scope.

(b) Rules in Part 74 which apply exclusively to a particular service are contained in that service subpart, as follows: Experimental Broadcast Stations, Subpart A; Remote Pickup Broadcast Stations, Subpart D; Aural Broadcast STL and Intercity Relay Stations, Subpart E; TV Auxiliary Broadcast Stations, Subpart F; Low Power TV, TV Translator and TV Booster Stations, Subpart G; Low Power Auxiliary Stations, Subpart H; Instructional TV Fixed Service, Subpart I; FM Broadcast Translator Stations and FM Broadcast Booster Stations, Subpart L.

15. 47 CFR 74.15 is amended by revising paragraph (c) to read as follows:

§ 74.15 Station license period.

(c) The license of an FM broadcast booster station or a TV broadcast booster station will be issued for a period running concurrently with the license of the FM radio broadcast station or TV broadcast station (primary station) with which it is used.

16. 47 CFR 74.501 is amended by revising paragraphs (a) and (b) to read as follows:

§ 74.501 Classes of aural broadcast auxiliary stations.

(a) *Aural broadcast STL station.* A fixed station utilizing telephony for the transmission of aural program material between a studio and the transmitter of a broadcasting station other than an international broadcasting station, for simultaneous or delayed broadcast, or other purposes as authorized in § 74.531.

(b) *Aural broadcast intercity relay stations.* A fixed station for the transmission of aural program material between radio broadcast stations, other than international broadcast stations, and between FM radio broadcast stations and their co-owned FM booster stations, or other purposes as authorized in § 74.531.

17. 47 CFR 74.531 is amended by redesignating paragraphs (c) through (f) as (d) through (g) and adding new paragraph (c) to read as follows:

§ 74.531 Permissible service.

(c) An aural broadcast STL or intercity relay may be used to transmit material between an FM broadcast radio station and an FM booster station owned, operated, and controlled by the licensee of the originating FM radio station. This use shall not interfere with or otherwise preclude use of these broadcast auxiliary facilities by broadcast auxiliary stations transmitting aural programming between the studio and transmitter location of a broadcast station or between broadcast stations as provided in paragraphs (a) and (b) above.

18. 47 CFR 74.532 is amended by revising paragraph (a) to read as follows:

§ 74.532 Licensing requirements.

(a) An aural broadcast STL or intercity relay station will be licensed only to the licensee or licensees of broadcast stations other than international broadcast stations, and for use by broadcast stations or FM booster stations owned entirely by or under common control of the licensee or licensees.

PART 74—[AMENDED]

19. In 47 CFR Part 74, the heading for Subpart G is revised to read as follows:

Subpart G—Low Power TV, TV Translator, and TV Booster Stations

20. 47 CFR 74.701 is amended by adding paragraph (i) to read as follows:

§ 74.701 Definitions.

(i) *Television broadcast booster station.* A station in the broadcast service operated by the licensee or permittee of a full service television broadcast station for the purpose of retransmitting the programs and signals of such primary station without significantly altering any characteristic of the original signal other than its amplitude. A television broadcast booster station may only be located such that its entire service area is located within the protected contour of the primary station it retransmits. For purposes of this paragraph, the service area of the booster and the protected contour of the primary station will be determined by the methods prescribed in § 74.705(c).

21. 47 CFR 74.702 is amended by adding paragraph (c) to read as follows:

§ 74.702 Channel assignments.

(c) A television broadcast booster station will be authorized on the channel assigned to its primary station.

22. 47 CFR 74.703 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 74.703 Interference.

(a) An application for a new low power TV, TV translator, or TV booster station or for a change in the facilities of such an authorized station will not be granted when it is apparent that interference will be caused. The licensee of a new low power TV, TV translator, or TV booster shall protect existing low power TV and TV translator stations from interference within the protected contour defined in § 74.707.

(b) It shall be the responsibility of the licensee of a low power TV, TV translator, or TV booster station to correct at its expense any condition of interference to the direct reception of the signal of any other TV broadcast station operating on the same channel as that used by the low power TV, TV translator, or TV booster station or an adjacent channel which occurs as a result of the operation of the low power TV, TV translator, or TV booster station. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the low power TV, TV translator, or TV booster station, regardless of the quality of the reception or the strength of the signal so used. If the interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending low power TV, TV translator, or TV booster station shall be suspended and shall not be resumed until the interference has been eliminated. If the complainant refuses to permit the low power TV, TV translator, or TV booster station to apply remedial techniques that demonstrably will eliminate the interference without impairment of the original reception, the licensee of the low power TV, TV translator, or TV booster station is absolved of further responsibility.

(c) It shall be the responsibility of the licensee of a low power TV, TV translator, or TV booster station to correct any condition of interference which results from the radiation of radio frequency energy outside its assigned channel. Upon notice by the FCC to the station licensee or operator that such interference is caused by spurious omissions of the station, operation of the station shall be immediately suspended and not resumed until the interference has been eliminated. However, short

test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

23. 47 CFR 74.705 is amended by revising paragraphs (c), (d) introductory text, and (d)(1)(ii) to read as follows:

§ 74.705 TV broadcast station protection.

(c) The low power TV, TV translator, or TV booster station field strength is calculated from the proposed effective radiated power (ERP) and the antenna height above average terrain (HAAT) in pertinent directions.

(1) For co-channel protection, the field strength is calculated using Figure 9a, 10a, or 10c of § 73.699 (F(50,10) charts) of Part 73 of this chapter.

(2) For low power TV, TV translator, and TV boosters that do not specify the same channel as the TV broadcast station to be protected, the field strength is calculated using Figure 9, 10, or 10b of § 73.699 (F(50,50) charts) of Part 73 of this chapter.

(d) A low power TV, TV translator, or TV booster station application will not be accepted if the ratio in dB of its field strength to that of the TV broadcast station at the protected contour fails to meet the following:

- (1) * * *
- (ii) A description of the means by which the low power TV, TV translator, or TV booster station will be maintained within the tolerances specified in § 74.761 for offset operation.

24. 47 CFR 74.707 is amended by revising paragraphs (a)(1) introductory text, (b)(1), (b)(3), (c) introductory text, (c)(2) (d) introductory text and (d)(1)(ii) to read as follows:

§ 74.707 Low power TV and TV translator station protection.

(a)(1) A low power TV or TV translator will be protected from interference from other low power TV or TV translator stations, or TV booster stations within the following predicted contours:

- (b)(1) An application to construct a new low power TV, TV translator, or TV booster station or change the facilities of an existing station will not be accepted if it specifies a site which is within the protected contour of a co-channel or first adjacent channel low power TV, TV translator, or TV booster station, except that a TV booster station may be located within the protected contour of its co-channel primary station.

(2) * * *

(3) A UHF low power TV, TV translator, or TV booster construction permit application will not be accepted if it specifies a site within the UHF low power TV, TV translator, or TV booster station's protected contour and proposes operation on a channel either 7 channels below or 14 or 15 channels above the channel in use by the low power TV, TV translator, or TV booster station.

(c) The low power TV, TV translator, or TV booster construction permit application field strength is calculated from the proposed effective radiated power (ERP) and the antenna above average terrain (HAAT) in pertinent directions.

(1) * * *

(2) For low power TV, TV translator, or TV booster applications that do not specify the same channel as the low power TV, TV translator, or TV booster station to be protected, the field strength is calculated using Figure 9, 10, or 10b of § 73.699 (F(50,50) charts) of Part 73 of this chapter.

(d) A low power TV, TV translator, or TV booster station application will not be accepted if the ratio in dB of its field strength to that of the authorized low power TV, TV translator, or TV booster station at its protected contour fails to meet the following:

(1) * * *

(ii) A description of the means by which the low power TV, TV translator, or TV booster station's frequencies will be maintained within the tolerances specified in § 74.761 for offset operation.

25. 47 CFR 74.731 is amended by revising paragraphs (a) and (b) introductory text and adding paragraphs (j) and (k) to read as follows:

§ 74.731 Purpose and permissible service.

(a) Television broadcast translator stations and television broadcast booster stations provide a means whereby the signals of television broadcast stations may be retransmitted to areas in which direct reception of such television broadcast stations is unsatisfactory due to distance or intervening terrain barriers.

(b) Except as provided in paragraph (f) of this section, a television broadcast translator station or television broadcast booster station may be used only to receive the signals of a television broadcast station, another television broadcast translator station, a television translator relay station, a television intercity relay station, a television STL station, or other suitable source such as a CARS or common carrier microwave station, for the simultaneous retransmission of the programs and signals of a television broadcast station.

Such retransmissions may be accomplished by either:

(j) Television broadcast booster stations provide a means whereby the licensee of a television broadcast station may provide service to areas of low signal strength in any region within the primary station's Grade B contour. The booster station may not be located outside the predicted Grade B of its primary station nor may the predicted Grade B signal of the television booster station extend beyond the predicted Grade B contour of the primary station. A television broadcast booster station is authorized to retransmit only the signals of its primary station; it shall not retransmit the signals of any other stations nor make independent transmissions. However, locally generated signals may be used to excite the booster apparatus for the purpose of conducting tests and measurements essential to the proper installation and maintenance of the apparatus.

(k) The transmissions of a television broadcast booster station shall be intended for direct reception by the general public. Such stations will not be permitted to establish a point-to-point television relay system.

26. 47 CFR 74.732 is amended by adding paragraphs (g) and (h) to read as follows:

§ 74.732 Eligibility and licensing requirements.

(g) A television broadcast booster station will be authorized only to the licensee or permittee of the television station whose signals the booster will rebroadcast, to areas within the Grade B contour of the primary station.

(h) No numerical limit is placed on the number of booster stations that may be licensed to a single licensee. A separate license is required for each television broadcast booster station.

27. 47 CFR 74.735 is amended by revising paragraphs (a) and (d) to read as follows:

§ 74.735 Power limitations.

(a) The power output of the final radio frequency amplifier of a VHF low power TV, TV translator, or TV booster station, except as provided for in paragraphs (d) and (f) of this section, shall not exceed 0.01 kW visual power. A UHF station shall be limited to a maximum of 1 kW peak visual power except as provided for in paragraph (f) of this section. In no event shall the transmitting apparatus be operated with a power output in excess of the manufacturer's rating.

* * *

(d) VHF low power TV, TV translator, and TV booster stations authorized on channels listed in the TV table of allocations (see § 73.606(b) of Part 73 of this chapter) will be authorized a maximum output power of the radio frequency amplifier of 0.1 kW peak visual power.

* * *

28. 47 CFR 74.736 is amended by revising paragraph (a) to read as follows:

§ 74.736 Emissions and bandwidth.

(a) The license of a low power TV, TV translator, or TV booster station authorizes the transmission of the visual signal by amplitude modulation (A5) and the accompanying aural signal by frequency modulation (F3).

* * *

29. 47 CFR 74.737 is amended by revising paragraph (a) to read as follows:

§ 74.737 Antenna location.

(a) An applicant for a new low power TV, TV translator, or TV booster station or for a change in the facilities of an authorized station shall endeavor to select a site that will provide a line-of-sight transmission path to the entire area intended to be served and at which there is available a suitable signal from the primary station, if any, that will be retransmitted.

* * *

30. 47 CFR 74.750 is amended by revising paragraphs (a), (d) introductory text, (e)(1), (e)(2), and (g) to read as follows:

§ 74.750 Transmission system facilities.

(a) Applications for new low power TV, TV translator, and TV booster stations and for increased transmitter power for previously authorized facilities will not be accepted unless the transmitter is listed in the FCC's list of equipment type accepted for licensing under the provisions of this subpart.

* * *

(d) Low power TV, TV translator and transmitting equipment using a modulation process for either program origination or rebroadcasting TV booster transmitting equipment using a modulation process must meet the following requirements:

* * *

(e) * * *

(1) Any manufacturer of apparatus intended for use at low power TV, TV translator, or TV booster stations may request type acceptance by following the procedures set forth in Part 2, Subpart J, of this chapter. Equipment

found to be acceptable by the FCC will be listed in the "Radio Equipment List" published by the FCC. These lists are available for inspection at the FCC headquarters in Washington, DC or at any of its field offices.

(2) Low power TV, TV translator, and TV booster transmitting apparatus that has been type accepted by the FCC will normally be authorized without additional measurements from the applicant or licensee.

(g) Low power TV, TV translator, or TV booster stations installing new type accepted transmitting apparatus incorporating modulating equipment need not make equipment performance measurements and shall so indicate on the station license application. Stations adding new or replacing modulating equipment to existing low power, TV translator, or TV booster station transmitting apparatus must have a qualified operator (§ 74.18) examine the transmitting system after installation. This operator must certify in the application for the station license that the transmitting equipment meets the requirement of paragraph (d)(1) of this section. A report of the methods, measurements, and results must be kept in the station records. However, stations installing modulating equipment solely for the limited local origination of signals permitted by § 74.731 need not comply with the requirements of this paragraph.

31. 47 CFR 74.751 is amended by revising paragraph (b)(1) to read as follows:

§ 74.751 Modification of transmission systems.

(b) (1) Replacement of the transmitter as a whole, except replacement with a transmitter of identical power rating which has been type accepted by the FCC for use by low power TV, TV translator, and TV booster stations, or any change which could result in a change in the electrical characteristics or performance of the station.

32. 47 CFR 74.761 is amended by revising the introductory text and paragraph (d) to read as follows:

§ 74.761 Frequency tolerance.

The licensee of a low power TV, TV translator, or TV booster station shall maintain the transmitter output frequencies as set forth below. The frequency tolerance of stations using direct frequency conversion of a received signal and not engaging in offset carrier operation as set forth in

paragraph (d) of this section will be referenced to the authorized plus or minus 10 kHz offset, if any, of the primary station.

(d) The visual carrier shall be maintained to within 1 kHz of the assigned channel carrier frequency if the low power TV, TV translator, or TV booster station is authorized with a specified offset designation in order to provide protection under the provisions of § 74.705 or § 74.707.

33. 47 CFR 74.762 is amended by revising paragraphs (a) and (b) to read as follows:

§ 74.762 Frequency measurements.

(a) The licensee of a low power TV station, a TV translator, or a TV booster station must measure the carrier frequencies of its output channel as often as necessary to ensure operation within the specified tolerances, and at least once each calendar year at intervals not exceeding 14 months.

(b) In the event that a low power TV, TV translator, or TV booster station is found to be operating beyond the frequency tolerance prescribed in § 74.761, the licensee promptly shall suspend operation of the transmitter and shall not resume operation until transmitter has been restored to its assigned frequencies. Adjustment of the frequency determining circuits of the transmitter shall be made only by a qualified person in accordance with § 74.750(g).

34. 47 CFR 74.763 is amended by revising paragraphs (a) and (c) to read as follows:

§ 74.763 Time of operation.

(a) A low power TV, TV translator, or TV booster station is not required to adhere to any regular schedule of operation. However, the licensee of a TV translator or TV booster station is expected to provide service to the extent that such is within its control and to avoid unwarranted interruptions in the service provided.

(c) Failure of a low power TV, TV translator, or TV booster station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuation of operation and the license of the station may be cancelled at the discretion of the FCC.

35. 47 CFR 74.780 is amended by revising the heading and the introductory text to read as follows:

§ 74.780 Broadcast regulations applicable to translators, low power, and booster stations.

The following rules are applicable to TV translator, low power TV, and TV booster stations:

36. 47 CFR 74.781 is amended by revising paragraph (a) to read as follows:

§ 74.781 Station records.

(a) The licensee of a low power TV, TV translator, or TV booster station shall maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, contracts, permission for rebroadcasts, and other pertinent documents.

37. 47 CFR 74.783 is amended by adding paragraph (e) to read as follows:

§ 74.783 Station identification.

(e) TV broadcast booster station shall be identified by their primary stations by broadcasting of the primary station's call letters and location in accordance with the provisions of § 73.1201 of this chapter.

38. 47 CFR 74.784 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 74.784 Rebroadcasts.

(d) A TV booster station may rebroadcast only programs and signals that are simultaneously transmitted by the primary station to which it is authorized.

39. 47 CFR 74.1201 is amended by revising paragraph (f) to read as follows:

§ 74.1201 Definitions.

(f) *FM broadcast booster station.* A station in the broadcasting service operated for the sole purpose of retransmitting the signals of an FM radio broadcast station, by amplifying and reradiating such signals, without significantly altering any characteristic of the incoming signal other than its amplitude.

40. 47 CFR 74.1203 is revised to read as follows:

§ 74.1203 Interference.

(a) FM translators and FM boosters will be authorized and permitted to continue to operate only where they cause no interference to the direct reception by the public of the off-the-air

signals of any authorized broadcast station including Class D (secondary) noncommercial educational FM stations. FM translators and FM boosters shall not cause harmful interference to the transmissions of any other authorized radio station nor shall an FM translator or FM booster cause interference to reception by a television broadcast translator station of its input signals. FM translator stations or FM booster stations which may cause any such interference will not be authorized. FM booster stations will be exempt from the provisions of this paragraph to the extent that they may cause limited interference to their primary stations' signals subject to the conditions of paragraph (e) of this section.

(b) Interference will be considered to occur whenever reception to a regularly used off-the-air signal by viewers or listeners is impaired by the signals radiated by the translator or booster, regardless of the quality of such reception, the strength of the signals so used, or the channel on which the protected signal is transmitted.

(c) If interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending translators or booster shall be immediately suspended and shall not be resumed until the interference has been eliminated. Short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures. If a complainant refuses to permit the translator or booster licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment to the original reception, the licensee of the translator or booster is absolved of further responsibility.

(d) It shall be the responsibility of the licensee of an FM translator station or FM booster station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee or operator that such interference is being caused, the operation of the translator station or booster station shall be immediately suspended and shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the FM translator station or FM booster station: *Provided, however,* That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(e) An FM booster station may not disrupt the existing service of its

primary stations nor may it cause interference to the signal provided by the primary station within the boundaries of the principal community to be served.

41. 47 CFR 74.1231 is amended by revising paragraph (h) to read as follows:

§ 74.1231 Purpose and permissible service.

(h) FM broadcast booster stations provide a means whereby the licensee of an FM broadcast station may provide service to areas of low signal strength in any region within the primary station's predicted service contour. An FM broadcast booster station is authorized to retransmit only the signals of its primary station; it shall not retransmit the signals of any other station nor make independent transmissions: *Provided, however,* That locally generated signals may be used to excite the booster apparatus for the purpose of conducting tests and measurements essential to the proper installation and maintenance of the apparatus.

42. 47 CFR 74.1232 is amended by revising paragraph (e), removing paragraph (g) and redesignating paragraph (h) as (g).

§ 74.1232 Eligibility and licensing requirements.

(e) An FM broadcast booster station will be authorized only to the licensee or permittee of the FM radio broadcast station whose signals the booster station will retransmit, to serve areas within the predicted service contour of the primary station, subject to Note, § 74.1231(h).

43. 47 CFR 74.1235 is amended by revising paragraph (a) introductory text and by adding paragraph (c) to read as follows:

§ 74.1235 Power limitations.

(a) The power output of the final radio frequency amplifier of an FM translator shall not exceed 10 watts, except that FM broadcast translator stations serving areas east of the Mississippi River or in Zone I-A shall be limited to 1 watt. This power may be fed into a single transmitting antenna or may be divided between two or more transmitting antennas or arrays of antennas or any manner found useful or desirable by the licensee. In individual cases, the Commission may authorize the use of more than one final radio frequency amplifier at a single station under the following conditions:

(c) The output power of FM booster stations shall be limited such that the predicted service contour of such stations computed in accordance with § 73.313 (a)–(d), may not extend beyond the area covered by the predicted service contour of the primary station that they rebroadcast and that such output power may not exceed 20 percent of the maximum allowable effective radiated power for the primary station's class. Further, FM booster stations shall be subject to the requirement that the signal of any first adjacent channel station must exceed the signal of the booster station by 6 dB at all points within the protected contour of any first adjacent channel station.

44. 47 CFR 74.1236 is amended by revising paragraph (a) to read as follows:

§ 74.1236 Emissions and bandwidth.

(a) The license of a station authorized under this subpart authorizes the transmission of each F3 or other types of frequency modulation upon a showing of need as long as the emission complies with the following:

(1) For transmitter output powers not greater than 10 watts, paragraphs (b), (c), and (d) of this section apply.

(2) For transmitter output powers greater than 10 watts, § 73.317 (a), (b), (c), and (d) apply.

45. 47 CFR 74.1250 is amended by revising paragraph (c), redesignating paragraphs (d) through (f) as paragraphs (e) through (g) and adding new paragraph (d) to read as follows:

§ 74.1250 Transmitters and associated equipment.

(c) The following requirements must be met before translator or booster equipment of 10 watts or less output power will be type accepted by the Commission:

(d) Booster station transmitters having power outputs in excess of 10 watts must meet the requirements of § 73.1660 of this chapter.

46. 47 CFR 74.1261 is revised to read as follows:

§ 74.1261 Frequency tolerance.

The licensee of an FM translator station shall maintain the center frequency at the output of the translator within 0.01 percent of its assigned frequency. The output frequency of an FM booster station shall comply with the requirements of § 73.1545(b).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-19040 Filed 8-19-87; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL RAILROAD PASSENGER CORPORATION

49 CFR Part 701

Freedom of Information Act; Schedule of Fees and Other Administrative Changes

AGENCY: National Railroad Passenger Corporation (Amtrak or the Corporation).

ACTION: Technical Amendments.

SUMMARY: The National Railroad Passenger Corporation (NRPC), also known as Amtrak, promulgated amendments to its rules concerning the Freedom of Information Act (FOIA) to incorporate recent changes to the Act regarding the establishment of fees

charged for the search, review, and duplication of records in response to FOIA requests (52 FR 15321-15323, April 28, 1987). The rules followed the guidelines established by the Office of Management and Budget and the Department of Justice. In addition, Amtrak amended its regulations to reflect certain administrative changes within the Corporation. Section 701.7(e) of the rules as promulgated specified the charge per hour for personnel searching for records but did not specify the charge for review of any records found. This technical correction specifies that the same charge per hour will be made for review as for search. In view of the technical nature of the action being taken, no public comments are being requested, and the change shall be effective immediately upon publication in the Federal Register.

EFFECTIVE DATE: August 20, 1987.

FOR FURTHER INFORMATION CONTACT: Medaris Oliveri, FOIA Officer, (202) 383-3991.

SUPPLEMENTARY INFORMATION:

List of Subjects in 49 CFR Part 701

Freedom of Information Act.

PART 701—[AMENDED]

49 CFR Part 701 is amended as follows:

§ 701.7 [Amended]

1. The authority citation for Part 701 continues to read as follows:

Authority: 5 U.S.C. 552 as amended by sections 1801-1804 of the Omnibus Anti-Drug Abuse Act of 1986 (Pub. L. 99-570) which contains the Freedom of Information Reform Act of 1986 and sec. 306(g) of the Rail Passenger Service Act, 45 U.S.C. 546(g).

2. Section 701.7, paragraph (e)(1) is amended by adding the words "and review" immediately before the period at the end of the first sentence thereof.

Stephen C. Rogers,

Acting Vice President—Law.

[FR Doc. 87-19079 Filed 8-19-87; 8:45 am]

BILLING CODE 0000-00-M