FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–180, adopted December 22, 1987, and released January 21, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Colorado, by revising the entry for Loveland, from Channel 272A to 273C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88–1755 Filed 1–27–88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87–256; RM–5793]

Radio Broadcasting Services; Kill Devil Hills, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Joseph A. Booth, allocates Channel 281C1 to Kill Devil Hills, North Carolina, as the community's first local FM service. Channel 281C1 can be allocated to Kill Devil Hills in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. With this action, this proceeding is terminated.

DATES: Effective March 7, 1988. The window period for filing applications will open on March 8, 1988, and close on April 7, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–256, adopted December 21, 1987, and released January 21, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., 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 NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for North Carolina is amended by adding the following entry, Kill Devil Hills, Channel 281C1.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88–1753 Filed 1–27–88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 73, 74 and 76

Oversight of the Radio and TV Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast regulations in 47 CFR, Parts 73, 74 and 76. Amendments are made to correct inaccurate rule texts, contemporize certain requirements and to execute editorial revisions as needed for clarity and ease of understanding.

EFFECTIVE DATE: February 25, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: In this Order modifications are made to update, delete, clarify or correct regulations in Title 47, Code of Federal Regulations. Adopted December 9, 1987; released January 20, 1988.

Oversight of the Radio and TV Broadcast Rules; Order

Adopted: December 9, 1987
Released: January 20, 1988.

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) In its ongoing effort to relax or remove unneeded, restrictive regulations, the Commission, in MM Docket 84–751, adopted changes in § 73.58(b). *Report and Order* Mass Media Docket 84–751, 49 FR 49848, December 24, 1984. The modification was designed to remove greatly detailed information concerning types of equipment, installation and the care and handling of meters required to measure radio frequency current at the base of each antenna element. In addition to removing this "how to" text, the rule amendment excised the requirement that the ammeter should "be permanently installed in the antenna circuit * * *".

The simplified text of the revised rule has led some licensees to presume that the amendment removed the option of using "a suitable jack and plug arrangement * * * to permit the removal of the meter from the antenna circuit so as to protect it from damage by lightning". While the extant, revised rule is silent on "jack and plug" use, it was not meant to preclude such use.

In order to fully clarify paragraph (b), additional text is added (much as it read before) to clearly approve of such "jack and plug" procedures. (See appendix rule item 2).

(b) Parts 73 and 74 of the FCC Rules set forth regulations in other Parts of 47 CFR which apply to broadcast, experimental, auxiliary, special broadcast and other program distribution services. In Part 73, this listing of applicable regulations is found in § 73.1010, Cross reference to rules in other parts. In Part 74, it is given in § 74.5, bearing the same section title. In

the past few years, rulemaking proceedings have wrought many amendments to 47 CFR which removed text referring to many section numbers and titles and the use of designations such as Volumes I, II and III of the rules. These two §§ 73.1010 and 74.5 are revised herein to delete or correct, as appropriate, these errors. (See appendix rule items 3 and 8).

(c) Any applicant for renewal of license who has had a petition to deny approval of the application filed against it may file an opposition to that petition within 30 days after the petition is filed. (*See* § 73.3584(b)). The petitioner may, in turn, file a reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever is longer.

A portion of § 73.3584(b) was amended in 1983 (*Report and Order*, General Docket 81-768. 48 FR 27182, June 13, 1983). In the revision, the alternative proviso to file the reply "within 20 days after the opposition is due" was inadvertently dropped, leaving the proviso standing nonsensically alone stating only "within 20 days after opposition is filed, whichever is longer." The dropped alternative proviso is returned to the rule herein. (See rule appendix item 4).

(d) When our rules were conformed with the public law which extended renewal periods to 5 and 7 years, respectively, for TV and radio stations (Omnibus Budget Reconciliation Act of 1981. Pub. L. 97-35, 95 Stat. 357), one reference to the old triennial renewal period went unchanged. It is found in § 73.3615, Ownership reports, in paragraph (d). The rule directs "Licensees owning more than one non-commercial educational * * * station to file only one Ownership Report at *3 year intervals*" (Emphasis added). This aberration is corrected herein by correctly requiring such reporting at 5 or 7 year intervals. (See appendix rule item 5).

(e) Commission policy pertaining to certification of financial qualifications by new station applicants was released via Public Notice on May 7, 1987. (52 FR 17333, May 7, 1987). This new policy is herein listed in 47 CFR Part 73 as § 73.4099, Financial qualifications, Certification of. Concurrently, the title is added to the alphabetical index of Part 73. (See appendix rule items 6 and 7).

(f) Section 76.611 sets forth the basic signal leakage performance criteria for Cable TV systems. Several formulas, along with descriptive text are set forth in paragraph (a)(1) of this rule. In two of the formulas, the Greek letter phi (0) is used as an equation symbol, but in the descriptive text accompanying the formulas, the symbol theta (0) is shown. This corrected to read 0 (phi) herein. (See appendix rule item 9).

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

3. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

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

5. Therefore, it is ordered, that pursuant to sections 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission's Rules, Parts 73, 74 and 76 of the FCC Rules and Regulations are amended as set forth in the attached Appendix, effective 30 days after the date of the publication in the **Federal Register.**

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

Federal Communications Commission.

Alex D. Felker,

Chief, Mass Media Bureau.

Attachment: Appendix.

Appendix

List of Subjects in 47 CFR Parts 73, 74 and 76

Radio broadcasting.

Rules Changes

47 CFR is amended to read as follows:

PARTS 73, 74 AND 76—[AMENDED]

1. The authority citation for Parts 73, 74 and 76 continues to read as follows:

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

2. Section 73.58 is amended by revising paragraph (b) to read as follows:

§ 73.58 Indicating instruments.

* * * * *

(b) A thermocouple type ammeter or other device capable of providing an indication of radio frequency current, meeting the requirements of § 73.1215, shall be installed at the base of each antenna element. A suitable jack and plug arrangement may be used to permit removal of the meter from the antenna circuit thereby protecting it from damage by lighting.

* * * * *

3. Section 73.1010 is revised to read as follows:

§ 73.1010 Cross reference to rules in other parts.

Certain rules applicable to broadcast services, some of which are also applicable to other services, are set forth in the following Parts of the FCC Rules and Regulations.

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

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

(2) Subpart B, "Hearing Proceedings". (§§ 1.201 to 1.364)

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

(4) Subpart G, "Schedule of Statutory Charges and Procedures for Payment". (§§ 1.1101 to 1.1116).

(5) Subpart H, "Ex Parte Communications". (§§1.1200 to 1.1216).

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

(b) Part 2, "Frequency Allocations and Radio Treaty Matters, General Rules and Regulations", including Subparts A, "Terminology"; B, "Allocation, Assignments and Use of Radio Frequencies"; C, "Emissions"; D, "Call Signs and Other Forms of Identifying Radio Transmissions"; and J, "Equipment Authorization Procedures".

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

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

(e) Part 74, "Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services" including:

(1) Subpart A, "Experimental Broadcast Stations";

(2) Subpart D, "Remote Pickup Broadcast Stations";

(3) Subpart E, "Aural Broadcast Auxiliary Stations";

(4) Subpart F, "Television Broadcast Auxiliary Stations";

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

(6) Subpart H, "Low Power Auxiliary Stations";

(7) Subpart I, "Instructional TV Fixed Service"; and

(8) Subpart L, "FM Broadcast Translator Stations and FM Broadcast Booster Stations".

4. Section 73.3584 is amended by revising paragraph (b) to read as follows:

§ 73.3584 Petitions to deny.

* * * * *

(b) Except in the case of applications for new low power TV or TV translator stations, or for major changes in the existing facilities of such stations, 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 due or within 20 days after the opposition is filed, whichever is longer. The failure to file an opposition or a reply will not necessarily be construed as an admission of fact or argument contained in a pleading.

* * * * *

5. Section 73.3615 is amended by revising paragraph (d) to read as follows:

§ 73.3615 Ownership reports

* * * * *

(d) Each licensee of a noncommercial educational AM, FM or TV broadcast station shall file an Ownership Report or FCC Form 323–E at the time the application for renewal of station license is required to be filed. Licensees owning more than one noncommercial educational AM, FM or TV broadcast station need file only one Ownership Report at 5 year intervals for TV stations and 7 year intervals for AM and FM stations. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

* * * * *

6. New § 73.4099 is added to 47 CFR Part 73 to read as follows: § 73.4099 Financial qualifications, certification of.

See Public Notice, FCC 87–97, adopted March 19, 1987. 52 FR 17333, May 7, 1987.

INDEX, PART 73—[AMENDED]

7. The alphabetical index of 47 CFR Part 73 is amended by *adding* the following index entries:

(Following "Carrier Frequency measurements"..... 73.1540)
Certification of financial qualifications.....73.4099(*).
(Following "Financial qualifications"
AM and FM.....73.4100(*)
TV.....73.4100(*))
Financial qualifications, Certification of.....73.4099(*)

8. Section 74.5 is revised to read as follows:

§ 74.5 Cross reference to rules in other parts.

Certain rules applicable to Experimental, Auxiliary, Special Broadcast and other Program Distribution services, some of which are also applicable to other services, are set forth in the following Parts of the FCC Rules and Regulations:

(a) Part 1, "Practice and procedure".

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

(2) Subpart B, "Hearing Proceedings". (§§ 1.120 to 1.364).

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

(4) Subpart G, "Schedule of Statutory Charges and Procedures for Payment". (§§ 1.1101 to 1.1120).

(5) Subpart H, "Ex Parte Presentations". (§§ 1.1200 to 1.1216).

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

(b) Part 2, "Frequency Allocations and Radio Treaty Matters, General Rules and Regulations", including Subparts A, "Terminology"; B, "Allocation, Assignments and Use of Radio Frequencies"; C, "Emissions"; D, "Call Signs and Other Forms of Identifying Radio Transmissions"; and J, "Equipment Authorization Proceedings".

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

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

(e) Part 73, "Radio Broadcast Services".

9. Section 76.611 is amended by revising the second paragraph of the descriptive text following the formulas in paragraph (a)(1) to read as follows:

§ 76.611 Cable television basic signal leakage performance criteria.

(a) * * *

(1) * * *

Formulas * * *

r_1 * * *

0 is the fraction of the system cable length actually examined for leakage sources and is equal to the strand miles of plant tested divided by the total strand miles in the plant;

* * * * *

[FR Doc. 88–1718 Filed 1–27–88; 8:45 am]
BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 53, No. 18
Thursday, January 28, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 1988-3]

Rulemaking Petition; Ted Haley Congressional Committee

AGENCY: Federal Election Commission.

ACTION: Rulemaking petition; notice of availability.

SUMMARY: On November 30, 1987, the Commission received a Petition for Rulemaking from the Ted Haley Congressional Committee. The petition suggests the addition of a new § 110.1(g)(3) to establish a rebuttable presumption that post-election contributions are "for the purpose of influencing" a federal election. The Commission's current regulations, and long-standing policy, treat all such donations as contributions that are covered by the Act's prohibitions and limitations.

DATE: Comments must be received on or before February 29, 1988.

ADDRESS: Comments must be in writing and addressed to: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, (202) 376-5690 or (800) 424-9530.

Rulemaking Petition: Notice of Availability

The petitioner is urging the Commission to add a new subsection to its regulations at 11 CFR 110.1. Section 110.1 implements the Federal Election Campaign Act's limitations on contributions by persons to Federal candidates and political committees. See 2 U.S.C. 441a(a). The petition suggests the addition of a new § 110.1(g)(3) to establish a rebuttable presumption that post-election. See 2 U.S.C. 431(8). It should be noted that the proposed designation for this new subsection is based upon the 1977 version of section 110.1. That section was substantially revised in 1987. See 52 F.R. 11187 (April 8, 1987); 52 F.R. 760 (Jan. 9, 1987).

Under the language proposed by the petition, a contributor could demonstrate that his or her post-election contribution to a candidate was not for the purpose of influencing that candidate's election and, thus, should not be subject to limit. The Commission's current regulations, and long-standing policy, treat all such donations as contributions that are covered by the Act's prohibitions and limitations. See 11 CFR 110.1.

As a basis for its petition, the Committee cites to the United States District Court's opinion in *Federal Election Commission* v. *Ted Haley Congressional Committee*, 654 F. Supp. 1120 (W.D. Wa. 1987). This decision is currently on appeal to the Ninth Circuit Court of Appeals. *FEC* v. *Ted Haley Congressional Committee*, No. 87-3867 (filed April 24, 1987).

Copies of the Petition for Rulemaking are available for public inspection and copying at the Commission's Public Records Office, 999 E Street NW., Washington, DC 20463, between the hours of 9:00 am and 5:00 pm. Statements in support of or in opposition to the petition must be filed with the Commission by February 29, 1988.

Thomas J. Josefiak,

Chairman, Federal Election Commission.

Dated: January 22, 1988.

[FR Doc. 88-1653 Filed 1-27-88; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-166-AD]

Airworthiness Directives: Aerospatiale Model ATR-42 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to Aerospatiale Model ATR-42 series airplanes, that would require inspections for cracks of each main landing gear (MLG) wheel, and replacement, if necessary. This proposal is prompted by reports of cracks on inboard wheel halves. This condition, if not corrected, could lead to complete failure of the wheel.

DATES: Comments must be received no later than March 14, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-166-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Art Scholes, Standardization Branch, ANM-113; telephone (206) 431-1979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.