

Order, concluding that those rules would no longer be applied to radio and television licensees.

4. Geller and Lampert asked that the Commission reconsider the August Order on the grounds that: (1) Enforcement of the fairness doctrine is mandated by the Communications Act; (2) the Commission should have considered alternative means of enforcing the fairness doctrine before eliminating it; and (3) the Commission erred in elimination the first prong of the doctrine, which required broadcasters to cover controversial issues of vital importance to their communities. Additionally, Geller and Lampert urged the Commission to adopt their proposed alternative of implementing a malice test in the contemporaneous, case-by-case enforcement of the doctrine and to increase enforcement of the first prong in conjunction with its enforcement of the malice alternative. Numerous comments were received supporting or opposing the Geller and Lampert petition, and all were considered before the Commission reached its decision.

5. The Commission, in its current *Memorandum Opinion and Order*, denied the Geller and Lampert petition for reconsideration, maintaining that, in light of decisions by the Federal Court of Appeals, the fairness doctrine was not mandated by the Communications Act and that the Commission was obligated to consider and rule on Meredith's constitutional arguments in its defense. Furthermore, because the fairness doctrine was not codified, the Commission was under no legal obligation to consider or to adopt alternatives to the doctrine before ruling on Meredith's claim that the doctrine was unconstitutional as then administered. The Commission pointed out that, in a separate proceeding (*Fairness Alternatives Report*, 2 FCC Red 5272, (1987)), it considered and rejected, as constitutionally unsound and contrary to the public interest, alternatives to the doctrine, and in the instant decision, it again rejected for similar reasons, alternatives to the doctrine including the contemporaneous, case-by-case malice approach proposed by Geller and Lampert.

6. The Commission also rejected the argument that the doctrine cannot be eliminated without eviscerating the general public interest mandate under the statute. Instead, the Commission emphasized that their action leaves sections 312(a)(7) and 315, as well as the Act's public interest mandate, intact. In

fact, because the Commission found in this proceeding that the fairness doctrine violated the first amendment, its elimination, *a fortiori*, was consistent with, not violative of, the Commission's public interest mandate.

7. The current Geller and Lampert proposal, the Commission stated, failed to achieve "the First Amendment principles underlying the doctrine." The Commission saw little difference between the current Geller and Lampert proposal and an earlier Geller and Lampert proposal that the Commission had already rejected. The Commission asserted that, although the current Geller and Lampert proposal would reduce the chilling effects associated with the fairness doctrine, it would not eliminate them. It added that, in its August Order, it found that the existing multiplicity of broadcast outlets allows achievement of the fairness doctrine's goal of diversity of viewpoints without government intervention into the content of speech. Thus, no content-based alternative to the doctrine was deemed necessary to achieve that goal.

8. Finally, the Commission denied the petitioners' request to reconsider the decision to discontinue enforcement of the first prong of the fairness doctrine. Geller and Lampert argued that the decision should be reversed because that prong was eliminated without adequate notice and that there was insufficient reason for that elimination. They also argued that enforcement of the prong was mandated by the Communications Act.

9. In denying this request for reconsideration, the Commission stated that, in eliminating the first prong of the fairness doctrine in August, it had not ruled that the first prong obligation standing alone was unconstitutional. Rather, the Commission found that because "both parts of the doctrine are interdependent and integral to the overall regulatory scheme [of fairness]," it would not sever the first part of the doctrine and consider only whether to continue enforcement of the second part. Instead, it decided that if the enforcement of the doctrine was unconstitutional, it would discontinue enforcement of the entire doctrine, because the elimination of either part would essentially make the doctrine, as it had developed over the years, a nullity. That is, while the first part of the doctrine might conceivably be enforced as an independent policy matter, it simply would not then be the "fairness doctrine," but a new programming

requirement devoid of the essential "fairness" component of the old policy. Also, according to the Commission, such a policy would be largely duplicative of the current requirement that broadcasters cover issues that are responsive to the needs and interests of their communities.

10. Geller and Lampert argued that, by eliminating the first prong obligation in August, the Commission called into question the continued validity of the issue responsive obligation. The Commission rejected this contention, noting that, although the first part of the fairness doctrine may overlap with other regulatory requirements developed in other contexts, it was not intended to suggest that the first part obligation under the fairness doctrine and the duty to air issue responsive programming are identical. Thus, petitioners' view that, by eliminating the first prong of the doctrine, the Commission has effectively declared unconstitutional its policy requiring broadcasters to provide programming responsive to the needs and interests of their communities is incorrect. Indeed, the Commission explicitly noted in its August decision that the constitutionality of the issue responsive obligation was not at issue in this case. Issue responsive obligations remain in full force and effect, and to the extent that petitioners fear that licenses will no longer cover issues of interest to their communities, the Commission believes that the continued existence of the issue responsive obligation should alleviate that fear.

11. Accordingly, it is ordered That the Petition of Freedom of Expression Foundation for Partial Reconsideration of the Order is denied to the extent indicated herein and is referred, together with the corresponding oppositions filed thereto, for consideration in connection with the separate proceeding regarding the personal attack and political editorial rules.

12. It is further ordered That the Petition for Reconsideration of Geller and Lampert is denied.

List of Subjects in 47 CFR Part 73

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-8843 Filed 4-21-88; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATIONNATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Part 31

Federal Acquisition Regulation (FAR);
Promotion of American Aerospace
Exports of Domestic and International
Exhibits; Correction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule in Federal Acquisition Circular (FAC) 84-36 published in the Federal Register on Tuesday, April 12, 1988 (53 FR 12128).

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523-4755.

SUPPLEMENTARY INFORMATION: In FR Doc. 88-7992 beginning on page 12128, make the following correction:

31.205-1 [Corrected]

On page 12130, in the second column, in the third sentence, add a period following the word "demonstration" and begin a fourth sentence by adding the three words "This paragraph applies".

List of Subjects in 48 CFR Part 31

Government procurement.

Dated: April 18, 1988.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

[FR Doc. 88-8914 Filed 4-21-88; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

49 CFR Part 541

[Docket No. T84-01; Notice 14]

Technical Amendment; Final Listing of
High-Theft Lines for 1988 Model Year;
Motor Vehicle Theft Prevention
Standard

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Technical Amendment.

SUMMARY: This technical amendment adds a new car line to the January 5, 1988, final listing of high-theft lines for Model Year (MY) 1988 published by the agency in its Final Rule at 53 FR 133. The new MY 1988 car line was determined to be a likely high-theft vehicle but was inadvertently omitted from the agency's MY 1988 listing. The list of high-theft car lines is intended to inform the public, particularly law enforcement groups, of the car lines that are subject to the marking requirements of the theft prevention standard for MY 1988.

EFFECTIVE DATE: This amendment becomes effective April 22, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Kurtz, NHTSA, 400 Seventh Street SW., Washington, DC 20590 (202-366-4808).

SUPPLEMENTARY INFORMATION: On October 24, 1985, NHTSA published a new Part 541, Federal Motor Vehicle Theft Prevention Standard, 50 FR 43166. Part 541 sets forth performance requirements for inscribing or affixing identification numbers into or onto covered original equipment major parts, and the replacement parts for those original equipment parts, on all vehicles in lines selected as high-theft lines.

Section 603(a)(2) of the Motor Vehicle Information Cost Savings Act (15 U.S.C. 2023(a)(2), hereinafter "the Cost Savings Act") specifies that NHTSA shall select high-theft lines with the agreement of the manufacturer, if possible. NHTSA has published the procedures that it follows in selecting lines as high-theft lines at 49 CFR Part 542. On January 5, 1988, the agency published its listing of high-theft MY 1988 car lines at 53 FR 133 which included five newly selected lines for MY 1988 and those car lines that were previously selected as high-theft car lines beginning with MY 1987. A sixth MY 1988 car line was inadvertently omitted from the final listing. This amendment corrects that error, by adding the General Motors Buick Reatta car line to the list.

Section 603(d) of the Cost Savings Act (15 U.S.C. 2023(d)) provides that the theft prevention standard must continue to apply to all lines that have been selected as high-theft lines, unless those previously selected lines receive an exemption under section 605 of the Cost Savings Act (15 U.S.C. 2025).

Section 605 provides that a manufacturer may petition to have a high-theft line exempted from the requirements of Part 541, if the line is equipped as standard equipment with an anti-theft device. The exemption is granted if NHTSA determines that the standard equipment anti-theft device is

likely to be as effective as compliance with Part 541 in reducing and deterring motor vehicle thefts. The omitted car line does not have an anti-theft device installed as standard equipment.

The revised listing is intended to inform the public, particularly law enforcement groups, concerning which car lines are subject to the marking requirements of the theft prevention standard for the 1988 model year, and which car lines are exempted from the theft prevention standard for the 1988 model year because of standard equipment anti-theft devices.

To repeat, the agency and motor vehicle manufacturers have come to an agreement on these selected car lines, including the omitted line, in accordance with 49 CFR Part 542, and section 603 of the Cost Savings Act. Accordingly, this correction would not impose any additional responsibilities on vehicle manufacturers. It would only inform the public of previous agency action and ensure that all determined likely high-theft car lines are listed.

Accordingly, NHTSA finds for good cause that notice and opportunity for comment on this correction are unnecessary. Based on these same facts, the agency finds for good cause that this correction should be effective as soon as it is published.

List of Subjects in 49 CFR Part 541

Administrative practice and procedure, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Part 541 is amended as follows:

PART 541—[AMENDED]

1. The authority citation for Part 541 continues to read as follows:

Authority: 15 U.S.C. 2021-2024, and 2026; delegation of authority at 49 CFR 1.50.

2. Appendix A of Part 541 is revised for General Motors car lines to read as follows:

Appendix A—Lines Subject to the
Requirements of This Standard

Manufacturer	Subject lines
General Motors.....	Buick Electra. Buick LeSabre. Buick Reatta. Buick Regal. Buick Riviera. Cadillac Deville. Cadillac Eldorado. Cadillac Seville. Chevrolet Camaro. Chevrolet Nova. Oldsmobile Cutlass Supreme.

Manufacturer	Subject lines
	Oldsmobile Delta 88. Oldsmobile 98. Oldsmobile Toronado. Pontiac Bonneville. Pontiac Fiero. Pontiac Firebird. Pontiac Grand Prix.

Issued on April 18, 1988.

Diane K. Steed,

Administrator.

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