before July 1, 1991, all hospitals in California and Colorado must submit the cost report required under §§ 413.20 and 413.24 of this chapter and the data specified in (b) below.

(b) *Cost reporting requirements for the demonstration.* Hospitals are required to submit a demonstration project cost report that includes the following information:

(1) Hospital discharges (classified by class of primary payer).

(2) Patient days (Classified by class of primary payer).

(3) Licensed beds, staffed beds, and occupancy.

(4) Inpatient charges and revenues (classified by class of primary payer).

(5) Outpatient charges and revenues (classified by class of primary payer).

(6) Inpatient and outpatient hospital expenses (by cost center classified for operating and capital).

(7) Reasonable costs.

(8) Other income.

(9) Bad debt and charity care.

(10) Capital acquisitions.

(11) Capital assets.

(c) *Due date for demonstration project cost report.* Due dates for demonstration cost reports are established by HCFA through instructions but are no more often than the due dates specified in § 413.24(f) of this chapter for hospital cost reports.

(d) *Interim reporting.* Hospitals participating in the demonstration project are required to submit an interim report covering the first six months in which the hospital participates in the demonstration project. Hospitals are required to submit additional interim reports requested by HCFA on the due dates established by HCFA.

(e) *Reporting format.* Demonstration project cost reports must be submitted in an electronic format. The hospital's electronic programs must be capable of producing an output file compatible with their respective intermediary's automated systems.

§ 403.410 Payments to hospitals participating in the demonstration.

(a) *General.* Hospitals participating in the demonstration project are paid on a reasonable cost basis for 100 percent of the incremental costs (as defined in paragraph (b) of this section) incurred as a result of that participation. To prevent duplicate payments, payments made to a hospital under the provisions of this section are subtracted from the hospital's total allowable costs subject to cost finding and apportionment.

(b) *Incremental costs.* Incremental costs are those costs that are reasonable and can be identified directly as having been incurred solely because of participation in the demonstration project. They do not represent any of the same costs that are incurred by other hospitals not participating in the demonstration project or costs that would have otherwise been incurred by hospitals participating in the demonstration. These costs include those attributable to the collection, reporting, and electronic submission of the additional data specified in § 403.408(b). Incremental costs do not include those costs incurred because of the requirement in section 4007(b) of Public Law 100–203 for the electronic submission of annual cost reports.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: December 13, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: May 30, 1989.

Louis W. Sullivan,

Secretary.

[FR Doc. 89–20091 Filed 8–24–89; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88–178; RM–6118, 6439]

Radio Broadcasting Services; Kremmling and Widefield, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Ths document substitutes Channel 292C2 for Channel 292A at Kremmling, Colorado, and modifies the license for Station KRKY–FM accordingly, in response to a petition filed by Grand Lake Broadcasting, Inc. Coordinates used for Channel 292C2 at Kremmling are 40–04–58 and 106–22–39, with a site restriction of 2.3 kilometers (1.4 miles) northeast of the community to prevent a short-spacing to Channel 291A at Basalt, Colorado. This document also substitutes Channel 292C2 for Channel 292A at Widefield, Colorado, and modifies the license for Station KKLI–FM accordingly, at the request of Tippie Communications, Inc. (COLO). Coordinates used for Channel 292C2 at Widefield are 38–44–47 and 104–51–37. See 53 FR 17084, May 13, 1988. With this action, the proceeding is terminated.

EFFECTIVE DATE: October 2, 1989.

FOR FURTHER INFORMATION CONTACT: Michael Ruger, Mass Media Bureau (202) 632–6302.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88–178, adopted July 31, 1989, and released August 18, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Brach (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 for Colorado as follows: under Kremmling, delete Channel 292A and add Channel 292C2; and under Widefield, delete Channel 292A and add Channel 292C2.

Federal Communications Commission.

Karl Kensinger,

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

[FR Doc. 89–20019 Filed 8–24–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88–221; RM–6177]

Radio Broadcasting Services; Fort Valley and Wrightsville, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document at the request of Fox Valley Broadcasting Corporation, *See*, 53 FR 22544, June 6, 1988, substitutes Channel 292C2 for Channel 292A at Fort Valley, Georgia, modifies its license for Station WQBK(FM) to specify operation on the higher powered channel, substitutes Channel 298A for Channel 292A at Wrightsville, Georgia, and modifies the license of Wrightsville Broadcasting Co., for Station WIML(FM) to specify the new channel. Channel 292C2 can be allotted to Fort Valley in compliance with the minimum distance separation requirements of the rules, provided that petitioner relocates his transmitter site 8 kilometers (5 miles) east of Fort Valley. The coordinates for

this allotment are North Latitude 32–33–12 and West Longitude 83–47–59. Channel 298A can be allotted to Wrightsville in compliance with minimum distance separation requirements at Station WIML(FM)'s present site. The coordinates for this allotment are North Latitude 32–42–24 and West Longitude 82–43–08. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 2, 1989.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88–221, adopted August 1, 1989, and released August 18, 1989. 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. § 73.202(b), the Table of FM Allotments is amended by revising the entry for Fort Valley, Georgia, by removing 292A and adding Channel 292C2, and by revising the entry for Wrightsville, Georgia, by removing Channel 292A and adding Channel 298A.

Karl A. Kensinger,

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

[FR Doc. 89–20020 Filed 8–24–89; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–591; RM–5845, 5935, 5992]

Radio Broadcasting Services; Scottsboro, AL, et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 251A to Signal Mountain, Tennessee, as that community's first local FM service, in response to a petition filed by SonCom, Inc. This document also dismisses petitions for rulemaking filed by Kea Radio, Inc., licensee of Station WKEA(FM), Channel 252A, Scottsboro, Alabama, seeking the substitution of Channel 251C2 for Channel 252A and modification of its license to specify operation on the higher powered channel, and RA–AD of Trenton, Inc., seeking the allotment of Channel 251A to Trenton, Georgia. Coordinates used for Channel 251A at Signal Mountain are 35–05–33 and 85–22–07. *See* 53 FR 1386, January 19, 1988. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 2, 1989. The window period for filing applications on Channel 251A at Signal Mountain, Tennessee, will open on October 3, 1989, and close on November 2, 1989.

FOR FURTHER INFORMATION CONTACT: Michael Ruger, Mass Media Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 87–591, adopted July 31, 1989, and released August 18, 1989. 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 by adding Signal Mountain, Channel 251A, under Tennessee.

Federal Communications Commission,

Karl A. Kensinger,

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

[FR Doc. 89–20021 Filed 8–24–89; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 88–375; FCC 89–232]

FM Broadcast Service; Amendment of Part 73 of the Rules To Provide for Additional FM Station Class (Class C3) and To Increase Maximum Transmitting Power for Class A FM Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its rules to increase the maximum permitted effective radiated power for Class A FM broadcast stations from 3000 to 6000 watts, and revises the minimum distance separation requirements applicable to Class A stations in order to maintain protection for the service of FM stations of all classes. For existing Class A stations, the Commission will implement the power increase on a selective basis, rather than as a blanket increase. Existing stations at locations that do not meet one or more of the revised requirements are "grandfathered." That is, modifications and relocations of such stations will be allowed under the previous power limit and distance separation requirements. The purpose of this action, which will allow the majority of existing Class A FM broadcast stations to operate with increased power, is to enable Class A stations to provide better service to their listeners.

EFFECTIVE DATE: October 2, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: James E. McNally, Jr., Mass Media Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION: Public reporting burden for this collection of information is estimated to vary from 20 hours to 1039 hours per response with an average of 97 hours and 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of the Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060–0029), Washington, DC 20503.

Following is a summary of Commission's Second *Report and Order* in MM Docket No. 88-375, adopted July 13, 1989 and released August 18, 1989. The full text of this action 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 action may also be purchased from the Commission's copy contractors, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of the Second Report and Order

1. On July 20, 1988, the Commission adopted a *Notice of Proposed Rule Making ("Notice")* (53 FR 38743, October 3, 1988) proposing rule amendments that would potentially permit improvements in the facilities of the majority of Class A FM broadcast stations in the United States. Specifically, the Commission proposed the creation of a new intermediate class of FM broadcast stations in Zone II, and a general increase in the maximum permitted transmitting power for Class A FM broadcast stations from 3000 to 6000 watts.

2. In response to the *Notice*, the Commission received 98 formal comments, 16 reply comments, and several hundred informal letters and inquiries. The proposal to create a new intermediate FM station classification (Class C3) received virtually unanimous support from commenting parties. On March 30, 1989, the Commission adopted a *First Report and Order* (54 FR 16363, April 24, 1989; corrected 54 FR 19374, May 5, 1989), amending 47 CFR Part 73 to provide for the new Class C3 FM broadcast station class.

3. The commenters also generally support the proposal to increase the maximum permitted transmitting power for Class A FM broadcast stations. Most of the commenters agreed with the Commission's assessment of the benefits of increased power for Class A FM stations. Additionally, the vast majority of comments submitted by licensees of Class A stations related specific coverage problems experienced by their particular stations which they believe the proposed power increase would help to solve. These problems generally fall into the categories of terrain shielding and obstruction shadowing, temperature inversions and other propagation vagaries, building penetration difficulty, and signal domination by larger class FM stations.

4. In the *Notice*, the Commission proposed to increase the maximum permitted ERP for Class A FM broadcast stations from 3000 to 6000 watts, while leaving the reference antenna height above average terrain at 100 meters (328 feet). Also, the Commission outlined two possible methods (termed "METHOD 1" and "METHOD 2") for implementing the Class A power increase, the requested further public comment addressing the advantages and drawbacks of each method. Under METHOD 1, the Commission would raise the maximum ERP limit for all Class A FM stations while retaining the existing minimum co-channel and adjacent channel spacings. Grandfathered shortspaced stations would be allowed to increase ERP subject to the provisions of 47 CFR 73.213.

5. METHOD 2 would permit the increase in power for only those Class A stations able to meet appropriate new separation distances. Service gains would not be as great as with METHOD 1, but adverse effects on existing stations would be minimized. METHOD 2 would create two categories of Class A FM stations—those allowed to increase power to 6000 watts, and those remaining limited to 3000 watts. Grandfathered short-spaced stations would fall into the latter category; however, some of these stations might be able to increase power if mutual agreements could be reached with all involved stations, and if it were shown that such an increase would serve the public interest.

6. In general, comments of most Class A FM broadcast station licensees favor a "blanket" power increase; that is, they request that the Commission allow all Class A stations to increase power without regard to the individual situations of the stations. Accordingly, between the two methods proposed, most Class A licensees prefer METHOD 1, which is closer to the blanket upgrade approach. These licensees oppose a selective upgrade approach, such as METHOD 2, based on increased distance separation requirements. Some of the reasons cited by these commenters in support of the blanket upgrade are:

(a) The blanket approach would allow all Class A stations to increase power, whereas the selective approach would exclude many Class A stations, particularly in the urban northeast, where the competitive imbalance is most severe.

(b) The blanket approach would be relatively simple to administer, whereas the selective approach would involve additional paperwork and delay associated with a case-by-case implementation.

(c) Under the blanket approach, all Class A stations would be on an equal footing, whereas under the selective approach, there would be two categories of Class A station, 3000 watt and 6000 watt.

(d) Under the blanket approach, all Class A stations could increase power at their current locations, whereas under the selective approach, costly relocations could be necessary in order for some Class A stations to increase power.

7. On the other hand, comments filed by many broadcast organizations, consulting engineering firms, and most licensees of Class B FM stations strongly oppose any form of blanket power increase for Class A stations. These commenters favor increased power for Class A stations, but only where no interference would result. Thus they believe that any Class A power increase must be administered on a selective basis, and favor METHOD 2. The principal reasons given by these commenters for their opposition to a blanket Class A power increase are:

(a) A blanket power increase for Class A stations would cause unacceptable interference to the current service of Class B and B1 stations, whereas a selective power increase would protect this service.

(b) A blanket power increase would cause overall degradation of the FM service.

(c) A blanket power increase would destroy the technical integrity of the minimum distance separation requirements.

8. The Commission stated in the *Notice* that regardless of which method for implementing a Class A power increase were to be selected, it would be preferable to minimize the administrative burdens on licensees and FCC staff. While noting that it generally proceeds upon individual applications in upgrading FM facilities, the Commission expressed concern that employment of a strictly case-by-case approach would result in excessive processing delays, even for problem-free applications.

9. Thus, the Commission proposed to employ procedures combining elements of both the blanket approach and the case-by-case approach. Specifically, it was proposed to allow Class A stations that can effect the power increase by simple technical means to do so without individual prior approval. In such cases, the station licensee would be required only to file FCC Form 302, together with a supplemental exhibit within ten days after the power increase is made. In all other cases, the Class A station licensee would be required to file FCC Form 301 and obtain prior approval for the power increase.

10. *Class A power limit raised to 6000 watts.* The record clearly shows that a substantial number of the persons most familiar with the day to day operation of Class A stations firmly believe that the current 3000 watt power level is inadequate for these stations to be technically and economically competitive in the current radio marketplace environment, and that the proposed increase to 6000 watts would make a significant improvement in the ability of these stations to serve the public. In consideration of this evidence, the Commission is amending 47 CFR 73.211 to raise the maximum effective radiated power limit for Class A FM broadcast stations from 3000 to 6000 watts. The current reference antenna HAAT of 100 meters for Class A stations other than those located in Puerto Rico and the Virgin Islands is retained. Equivalent combinations of lower ERP and higher antenna HAAT, such as 4000 watts with 125 meters, will be permitted under the new limit (see 47 CFR 73.211(b)(2)).

11. *Increased minimum power requirement for Class B1 and C3.* The minimum power requirement for each FM station class (47 CFR 73.211) generally corresponds to the maximum power limit for the next lower station class. This helps to avoid ambiguity in station classification. In view of the increase in the maximum power limit for Class A, the Commission is also raising the minimum power requirement for Class B1 and C3 stations accordingly. Currently Class B1 and C3 stations must operate with an ERP greater than 3000 watts. In this order, 47 CFR 73.211 is revised to require that Class B1 and C3 stations must operate with an ERP greater than 6000 watts. The Commission did not propose the reclassification of existing Class B1 authorizations in the *Notice*, therefore, no reclassification procedures for them are being established at this time.

12. *Selective implementation method chosen.* After careful review of the record, in particular the engineering statements and other comments that support or oppose, on technical grounds, each of the proposed methods, the Commission concludes that the Class A power increase should be implemented on a selective basis, rather than as a blanket increase. The Commission further concludes that the minimum distance separation requirements applicable to Class A stations should be adjusted to account for the increase in transmitting power. The rules adopted are thus similar to proposed METHOD 2, however, they also incorporate some aspects of proposed METHOD 1. For example, increased power operation by existing grandfathered short-spaced stations will be permitted, subject to 47 CFR 73.213. In addition, amended 47 CFR 73.1619 will allow the licensees of fully-spaced Class A stations that can effect the power increase by simple technical means to do so prior to filing an application.

13. *New minimum distance separation requirements for Class A stations.* The purpose of minimum distance separation requirements for FM stations is to allow FM assignments to be made without excessive delay on an administratively convenient "go — no go" basis. FM stations are entitled only to such coverage protection as the separation requirements provide. Consequently, if the maximum power limit for Class A stations is to be raised and involuntary loss of currently protected service area is to be prevented, it follows that the distance separation requirements applicable to Class A stations must be increased. The Commission is adopting new requirements that will maintain present protection.

14. *Grandfathered short-spaced stations.* The Commission has decided to grandfather all existing stations that do not meet the new distance separation requirements. A new category of grandfathered short-spaced stations under 47 CFR 73.213, comprising these stations, will be created. For stations in this new category, the Commission will allow (1) Class A stations broadcasting with no more than the current maximum facilities (3000 watts ERP and an antenna HAAT of 100 meters, or equivalent lower ERP and higher HAAT) and newly short-spaced stations of all other classes, and (2) Class A stations operating with more than 3000 watts ERP, but with no greater interference potential than a station operating at the current maximum facilities to be modified or relocated provide that the appropriate separation requirements are met. The first provision preserves the freedom to modify or relocate, under the terms of the current rules, the newly-grandfathered Class A stations that do not increase power above the current limit and the stations of other classes that become short-spaced to Class A stations as a result of the Commission's revision of 47 CFR 73.207 in this order. The second provision allows licensees of newly-grandfathered Class A stations using an antenna HAAT less than 100 meters the option to increase power above 3000 watts. Although a power increase under these circumstances will not expand service area beyond that of a 3000 watt, 100 meter Class A station, it may still prove to be of some value in overcoming the building penetration and temperature inversion interference problems frequently cited by commenters.

15. The Commission will also consider applications by newly created short-spaced Class A stations, on a case-by-case basis, in the following limited circumstances. In the case of Class A stations which are newly short-spaced to each other and which seek mutual increases in facilities, the Commission will allow such increases in power provided that all Class A stations seeking the increase first obtain the consent of any other stations who may be affected by the change, and that the increase is otherwise consistent with the public interest. Unilateral increases will be permitted if a station has obtained the consent of all other stations which may be affected, and the increase is consistent with the public interest. The Commission notes that agreement among stations which may be affected is a necessary but not sufficient condition to granting a power increase. As between Class A and other facilities, the Commission will examine each request to insure that no fully spaced or less short spaced site is available.

16. *IF distance separation requirements.* Because IF interference may potentially affect all of the FM stations in an area, in addition to the two IF-related stations, the Commission will not allow agreements for short-spaced IF related stations. To increase power beyond the current 3000 watt, 100 meter maximum facilities, a Class A station's antenna site must meet the modified IF distance separation requirements of 47 CFR 73.207.

17. *Public radio service.* The Commission believes that any adverse effect of the Class A power increase on public radio service operating in the upper portion of the reserved spectrum will be minimal. For second and third adjacent channel stations the distance separation requirements are increased only for the Class A to Class A and Class A to Class C1 relations. The other second and third adjacent requirements are unchanged. The IF distance separation requirements are increased slightly (by 1 to 2 km typically), but some of these requirements were recently reduced and the two changes offset each other to some extent. Moreover, there are very few IF-related station pairs anyway. Consequently, the only significant increases affecting the upper portion of the reserved band are in the first adjacent minimum distance separation requirements. Also, for those stations that are affected, the commercial Class A station is limited to

the current 3000 watt, 100 meter maximum facilities or other facilities with no greater interference potential, unless consent is obtained from all affected stations, including the NCE-FM station(s). Therefore, the Commission concludes that this action will not have significant adverse impact upon public radio service, and that no special restrictions or requirements in connection with the power increase for Class A stations operating on Channels 221, 222 and 223 are necessary.

18. *Administrative procedures.* To allow as many Class A stations as possible to upgrade without unnecessary delay and expense, the Commission is adopting administrative procedures similar to those proposed in the *Notice*. Specifically, in November of this year, the Commission will publish a list of licensed Class A stations at sites that appear to meet all of the appropriate minimum distance separation requirements.[1] Of the stations on this list [2], those for which the power increase can be implemented by replacing a non-directional antenna with a higher gain non-directional antenna, changing the transmitter output power [3], changing the type or length of the transmission line, and/or installing or removing certain components in the transmission line, may begin operation with increased ERP on or after December 1, 1989, but prior to the filing of an application for such operation. In such cases, licensees will be required to file FCC Form 302, together with a supplemental exhibit addressing environmental matters within 10 days after the power increase is made.[4] This automatic authority does not extend to stations for which an increase in facilities would expose workers or the general public to levels of rf radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels with respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95. 1–1982) by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017. Such stations may not operate with increased facilities until measures are taken to prevent workers and the general public from being exposed to the excess levels of rf radiation or unless they first receive authorization from the Commission.

19. In all other respects, the rules adopted herein will become effective on October 2, 1989. Applications and petitions filed prior to October 2, 1989 must comply with, and will be processed in accordance with, the current rules. Applications on FCC Form 301 to increase Class A station power pursuant to the rules adopted herein (for stations that will be newly grandfathered, or for some other reason will be unable to utilize the FCC Form 302 procedure described above) may be filed on or after October 2, 1989. Because some Class A stations not meeting the new distance separation requirements may nevertheless be able to increase power by utilizing the contour protection provisions of 47 CFR 73.215, such stations will be exempt from the temporary 5 mile (8 kilometer) limit on short-spaced locations under this rule.

Final Regulatory Flexibility Analysis

I. Need and Purpose of this Action

The Commission is increasing the maximum permitted power for Class A FM broadcast stations. The principal purpose of this action is to provide additional opportunities for improvement of the facilities of existing Class A FM broadcast stations. The need for such improvement was outlined in the *Notice* and confirmed by the majority of the commenting parties. Existing Class A stations will be allowed to increase to the new power limit on a selective basis.

II. Summary of Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis

No commenters addressed the Initial Regulatory Flexibility Analysis.

III. Significant Alternatives Considered and Rejected

The Commission considered the alternative of allowing existing Class A stations, other than grandfathered short-spaced stations, to increase power on an across-the-board basis, rather than a selective basis. However, the Commission determined that to do so could reduce the expected coverage areas of certain other classes of FM broadcast stations, and that to impose such a reduction would not be in the public interest.

20. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and has been found to impose a modified information collection requirement on the public. Implementation of any modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

21. *It is ordered,* pursuant to authority contained in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154 and 303, and effective October 2, 1989, That part 73 of the Commission's Rules, 47 CFR part 73, is amended as set forth below, and That authority to order Class A station licensees found to have improperly increased power to return to licensed parameters is delegated to the Chief, Mass Media Bureau.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

List of Subjects in 47 CFR Part 73

Radio broadcasting, FM broadcast stations, Class A.

For the reasons set forth in the preamble, 47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

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

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

2. 47 CFR 73.207 is amended by revising the numbers of the first seven rows of Table A in paragraph (b)(1), by revising the introductory texts of paragraphs (b)(2) and (b)(3), and by revising the numbers in the first row of the table in paragraph (c), to read as follows:

§ 73.207 Minimum distance separation between stations.

* * * * *

(b) * * *

(1) Domestic allotments and assignments must be separated from each other by not less than the distances in Table A which follows:

[1] It may be necessary to exclude Canadian and Mexican border area Class A stations from the initial list and to publish subsequent lists for those stations when international coordination procedures are complete.

[2] Because the appearance of a particular station does not constitute a modification of license, the Commission may correct the list of stations by adding or deleting stations included or excluded by administrative error without affording subject stations the opportunity for hearing.

[3] This includes replacement of the transmitter with one capable of higher power output.

[4] If an FCC Form 302 or supplement reveals any discrepancy from the licensed parameters of record (*e.g.*, geographical coordinates, antenna heights), the Commission delegates authority to the Chief, Mass Media Bureau, to order that the Class A station be returned to its licensed parameters, and to require the station licensee to file other forms or informational showings as necessary.

TABLE A.—MINIMUM DISTANCE SEPARATION REQUIREMENTS IN KILOMETERS (MILES)

Relation	Co-channel	200 kHz	400/600 kHz	10.6/10.8 MHz
A to A	115 (71)	72 (45)	31 (19)	10 (6)
A to B1	143 (89)	96 (60)	48 (30)	12 (7)
A to B	178 (111)	113 (70)	69 (43)	15 (9)
A to C3	142 (88)	89 (55)	42 (26)	12 (7)
A to C2	166 (103)	106 (66)	55 (34)	15 (9)
A to C1	200 (124)	133 (83)	75 (47)	22 (14)
A to C	226 (140)	165 (103)	95 (59)	29 (18)

* * * * *

(1) Under the Canada-United States FM Broadcasting Agreement, domestic U.S. allotments and assignments within 320 kilometers (199 miles) of the common border must be separated from Canadian allotments and assignments by not less than the distances given in Table B, which follows. When applying Table B, U.S. Class C2 allotments and assignments are considered to be Class B; also, U.S. Class C3 allotments and assignments and U.S. Class A assignments operating with more than 3 kW ERP and 100 meters antenna HAAT (or equivalent lower ERP and higher antenna HAAT based on a class contour distance of 24 km) are considered to be Class B1.

* * * * *

(3) Under the Mexico-United States FM Broadcasting Agreement, domestic U.S. allotments and assignments within 320 kilometers (199 miles) of the common border must be separated from Mexican allotments and assignments by not less than the distances given in Table C, which follows. When applying Table C, U.S. Class C2, C3 and B1 allotments and assignments are considered to be Class B; U.S. Class C1 allotments and assignments are considered to be Class C; also, U.S. Class A assignments operating with more than 3 kW ERP and 100 meters antenna HAAT average terrain (or equivalent lower ERP and higher antenna HAAT based on a class contour distance of 24 km) are considered to be Class B.

* * * * *

(c) The distances listed below apply only to allotments and assignments on Channel 253 (98.5 MHz). The Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing assignments where the following minimum distances (between transmitter sites, in kilometers) from any TV Channel 6 allotment or assignment are not met:

MINIMUM DISTANCE SEPARATION FROM TV CHANNEL 6 (82–88 MHz)

FM class	TV zone I	TV zones II and III
A	17	22

* * * * *

3. 47 CFR 73.210 is amended by revising paragraphs (b)(1), (b)(2)(i) and (b)(3)(i) to read as follows:

§ 73.210 Station classes.

* * * * *

(b) * * *

(1) Determine the reference distance of the station using the procedure in paragraph (b)(1)(i) of § 73.211. If this distance is less than or equal to 28 km, the station is Class A; otherwise,

(2) * * *

(i) If this distance is greater than 28 km and less than or equal to 39 km, the station is Class B1.

* * * * *

(3) * * *

(i) If this distance is greater than 28 km and less than or equal to 39 km, the station is Class C3.

* * * * *

4. 47 CFR 73.211 is amended by revising paragraphs (a)(1)(ii) and (a)(1)(iv), by republishing the introductory text of paragraph (b)(1) and by revising the numbers in the first row of the table in the introductory text of paragraph (b)(1), by revising paragraph (b)(1)(ii), and by revising the first row in the table in paragraph (b)(3) to read as follows:

§ 73.211 Power and antenna height requirements.

(a) * * *

(1) * * *

(ii) The ERP for Class B1 stations must exceed 6 kW.

* * * * *

(iv) The ERP for Class C3 stations must exceed 6 kW.

* * * * *

(b) *Maximum limits.* (1) Except for stations located in Puerto Rico or the Virgin Islands, the maximum ERP in any direction, reference HAAT, and distance to the class contour for each FM station class are listed below:

Station class	Maximum ERP	Reference HAAT in meters (ft)	Class contour distance in kilometers
A	6kW (7.8 dBk)	100 (328)	28

* * * * *

(ii) If a station's ERP is equal to the maximum for its class, its antenna HAAT must not exceed the reference HAAT, regardless of the reference distance. For example, a Class A station operating with 6 kW ERP may have an antenna HAAT of 100 meters, but not 101 meters, even though the reference distance is 28 km in both cases.

* * * * *

(3) For stations located in Puerto Rico or the Virgin Islands, the maximum ERP in any direction, reference HAAT, and distance to the class contour for each FM station class are listed below:

Station class	Maximum ERP	Reference HAAT in meters (ft)	Class contour distance in kilometers
A	6kW (7.8 dBk)	240 (787)	42

* * * * *

5. 47 CFR 73.213 is amended by adding a new paragraph (c) to read as follows:

§ 73.213 Grandfathered short-spaced stations.

* * * * *

(c) Stations at locations authorized by grant of applications filed prior to October 2, 1989 that became short-spaced as a result of the revision of § 73.207 in the *Second Report and Order* in MM Docket No. 88–375 may be modified or relocated in accordance with paragraph (c)(1) or (c)(2) of this section. New stations on channel allotments made by order granting petitions to amend the Table of FM

Allotments which were filed prior to October 2, 1989, may be authorized in accordance with paragraph (c)(1) or (c)(2) of this section. No other stations will be authorized pursuant to these paragraphs.

(1) *Applications for authorization under requirements equivalent to those of prior rules.* Each application for authority to operate a Class A station with no more than 3000 watts ERP and 100 meters antenna HAAT (or equivalent lower ERP and higher antenna HAAT based on a class contour distance of 24 km) must specify a transmitter site that meets the minimum distance separation requirements in this paragraph. Each application for authority to operate a Class A station with more than 3000 watts ERP (up to a maximum of 5800 watts), but with an antenna HAAT lower than 100 meters such that the distance to the predicted 0.05 mV/m (34 dBμV/m) F(50,10) field strength contour does not exceed 98 km must specify a transmitter site that meets the minimum distance separation requirements in this paragraph. Each application for authority to operate an FM station of any class other than Class A must specify a transmitter site that meets the minimum distance separation requirements in this paragraph with respect to Class A stations operating pursuant to this paragraph or paragraph (c)(2) of this section, and that meets the minimum distance separation requirements of § 73.207 with respect to all other stations.

MINIMUM DISTANCE SEPARATION REQUIREMENTS IN KILOMETERS (MILES)

Relation	Co-channel	200 kHz	400/600 kHz	10.6/10.8 MHz
A to A	105 (65)	64 (40)	27 (17)	8 (5)
A to B1	138 (86)	88 (55)	48 (30)	11 (6)
A to B	163 (101)	105 (65)	69 (43)	14 (9)
A to C3	138 (86)	84 (52)	42 (26)	11 (6)
A to C2	163 (101)	105 (65)	55 (34)	14 (9)
A to C1	196 (122)	129 (80)	74 (46)	21 (13)
A to C	222 (138)	161 (100)	94 (58)	28 (17)

(2) *Applications for authorization of Class A facilities greater than 3000 watts ERP and 100 meters HAAT.* Each application to operate a Class A station with an ERP and HAAT such that the reference distance would exceed 24 kilometers must contain an exhibit demonstrating the consent of the licensee of each co-channel, first, second or third adjacent channel station (for which the requirements of § 73.207 are not met) to a grant of that application. Each such application must specify a transmitter site that meets the applicable IF-related channel distance separation requirements of § 73.207. Applications that specify a transmitter site which is short-spaced to an FM station other than another Class A station which is seeking a mutual increase in facilities may be granted only if no alternative fully-spaced site or less short-spaced site is available. Licensees of Class A stations seeking mutual increases in facilities need not show that a fully spaced site or less short spaced site is available. Applications submitted pursuant to the provisions of this paragraph may be granted only if such action is consistent with the public interest.

§ 73.215 [Amended]

6. 47 CFR 73.215 is amended by removing the NOTE that follows paragraph (b)(2)(ii).

7. 47 CFR 73.610 is amended by revising the introductory text of paragraph (f) and the first row of numbers in the table in paragraph (f) as follows:

§ 73.610 Minimum distance separations between stations.

* * * * *

(f) The distances listed below apply only to allotments and assignments on Channel 6 (82–88 MHz). The Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing assignments where the following minimum distances (between transmitter sites, in kilometers) from any FM Channel 253 allotment or assignment are not met:

MINIMUM DISTANCE SEPARATION FROM FM CHANNEL 253 (98.5 MHz)

FM class	TV zone I	TV zones II & III
A	17	22

* * * * *

8. 47 CFR 73.1690 is amended by revising paragraph (b)(2) and adding a new paragraph (c)(4) and a NOTE following that new paragraph, to read as follows:

§ 73.1690 Modification of transmission systems.

* * * * *

(b) * * *

(2) Change in the operating power from that specified on the station authorization, except as provided in paragraph (c)(4) of this section.

* * * * *

(c) * * *

(4) On or after December 1, 1989, increase in the effective radiated power of eligible Class A FM stations pursuant to MM Docket 88–375, when such increase is effected by:

(i) Replacement of a non-directional antenna with another non-directional antenna having higher gain, provided that the height above ground of the center of radiation is within ±2 meters of that specified in the station authorization; and/or

(ii) Increase in the power input to the antenna, as a result of adjustment of the transmitter output power, change in the type or length of the transmission line, and/or installation of filters or diplexers.

Note: Class A stations eligible for a power increase pursuant to paragraph (c)(4) are those which appear on a list issued by the Commission in November 1989.

* * * * *

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47 CFR Part 74

[MM Docket 86–112, FCC 89–276]

Satellite and Terrestrial Microwave Feeds to Noncommercial Educational FM Translators

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The action taken herein amends the Commission's rules regarding applications for