

No.	Date	Item
1.	12/18/89	Report on Adjacent Channel Nighttime RSS Calculations Technical Subgroup of the FCC's Advisory Committee
2.	10/5/89	En Banc Hearing on AM Improvement
3.	10/4/89	Discussions in the Technical Subcommittee Re Adjacent Channel Skywave Interference
4.	9/29/89	FCC Votes to Hold <u>En Banc</u> Hearing on AM Improvement Issues
5.	9/28/89	Editorial Updating of Rules References to International Agreements
6.	8/28/89	Constants for Directional Antenna Computer Programs
7.	5/22/89	Daily Digest
8.	5/23/89	Pirate Broadcaster Shut Down
9.	5/8/89	Improvement of Quality by Reducing Adjacent Channel Interference and by Eliminating Restrictions Pertaining to the Protected Daytime Contour
10.	4/26/89	Letter to Trammell Crow Company re KTNQ

11.	4/25/89	Draft Letter to Trammell Crow Co. re KTNQ
12.	4/12/89	FCC Adopts Technical Amendment to its Rules Designed to Improve the Quality of AM Broadcast Service (MM Docket 88-376)
13.	3/23/89	AM Interference Reduction (Docket 89-46)
14.	2/22/89	MO&O (MM Docket 87-131) Unlimited Time Operation by Existing AM Daytime-Only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime Only Stations; Minimum Power of Class III Stations
15.	2/1989	WMP Notes
16.	2/22/89	Commission Proposes New Rules and Procedures to Reduce Interference Between AM Broadcast Stations (MM Docket 89-46)
17.	1/4/89	Measurements, Falls Church, VA

DOW, LOHNES & ALBERTSON1255 TWENTY-THIRD STREET
WASHINGTON, D.C. 20037-1194TELEPHONE (202) 857-2800
TELECOPIER (202) 857-2800
TELEX 428548ONE RAVINIA DRIVE, SUITE 1300
ATLANTA, GEORGIA 30348-2103
TELEPHONE (404) 398-8800
TELECOPIER (404) 398-8874
TELEX 4895255437 MADISON AVENUE
NEW YORK, NEW YORK 10022-7280
TELEPHONE (212) 228-2300
TELECOPIER (212) 228-3333
TELEX 27788560 WEST STREET
ANNAPOLIS, MARYLAND 21401-2401
TELEPHONE (301) 293-0043

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MARC J. FINK
ANNE S. MURRAY
J. ERIC CAHLOREN

OF COUNSEL

WANG HA CHO
AARON L. DANIEL**
GARY S. GARGALLO
RICHARD A. B. GLENNER**RALPH W. HARDY, JR.
JAMES P. MCGRANERY, JR.
EDUARDO PEREZ DE VILLEGAS
DAVID A. ROSEN**

* ADMITTED TO PRACTICE IN SEAN ONLY

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THOMAS R. DEWANEY
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other stations.Grandfather protection
of Class Is ✓
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**REPORT ON ADJACENT CHANNEL NIGHTTIME RSS CALCULATIONS
TECHNICAL SUBGROUP OF THE FCC'S RADIO ADVISORY COMMITTEE**

(Report of the working party as modified during
the July 13, October 3, and October 25, 1989, Subgroup meetings)

Members of the working party: Alan E. Gearing, Chairman; Elizabeth Dahlberg, vice-chairman; Karl D. Lahm; L. Robert du Treil; Kenneth J. Brown; Harold L. Kassens.

The working party was charged with developing a recommendation, to be submitted to the Technical Subgroup, concerning the treatment of adjacent channel nighttime RSS calculations. The FCC is considering the use of a single RSS value for each station, which would include the impact of adjacent channel signals. In the FCC supported method, the RSS would be calculated employing the newly proposed 25% exclusion criteria with the adjacent channel signals included using a yet to be determined adjacent channel protection ratio. The FCC has requested a recommendation from the Technical Subgroup as to the appropriate value for the adjacent channel protection ratio.

Many subgroup members expressed the concern that the single RSS approach would have the net result of increasing the overall interference level in the AM band. This concern arises from studies which show that, in many cases, inclusion of adjacent channel signals will raise the RSS value sufficiently to permit cochannel stations to increase their signal levels, resulting in an increase in the cochannel only RSS.

The various studies which have been performed employed a number of different adjacent channel protection ratios. The factors used and their basis are: 17 dB - based upon the June 17, 1988, report by Harrison J. Klein, P.E.; 16 dB - the currently recommended groundwave adjacent channel protection ratio; 6 dB - contained in the now superceded NARBA; and 0 dB - the existing groundwave adjacent channel protection ratio. Regardless of the adjacent channel protection ratio employed, the studies show that situations exist where use of the single RSS approach would result in the possibility of increased cochannel interference.

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(as modified - July 13, October 3, and October 25, 1989)

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In light of the potential adverse impact from employing the single RSS approach, the working party considered a number of other options. The consensus of the working party was that there were only three other viable options: to maintain the status quo and not consider the impact of adjacent channel stations; to protect the cochannel RSS contour without taking into account the existing adjacent channel interference; or to employ three separate RSS values for each station - cochannel, upper adjacent channel, and lower adjacent channel. Each of these options are discussed in turn.

Maintaining the Status Quo - FCC allocations criteria have never included the consideration of adjacent channel skywave interference. As a result, in the majority of cases, existing adjacent channel interference levels are quite high, if only on one side of carrier^{1/}. This factor, combined with the saturation of the AM band, limits the potential for improving existing conditions. Also, inclusion of adjacent channel protection requirements would create additional restrictions on existing stations, possibly adversely affecting the ability of these stations to change site or make other improvements. Likewise, the potential for new stations would be reduced by the inclusion of adjacent channel protection requirements.

The above points lead to the question of is it worth the trouble to address the matter at all? Some members of the working party support the position that it is not. These members do not consider adjacent channel interference to be a serious reception problem. Furthermore, the limited prospects for meaningful improvement, especially without some mechanism in the FCC rules which could lead to an attrition in the number of stations in the AM band, are not considered to warrant the increased restrictions on new or existing stations and the complexity which would be added to nighttime

^{1/} It should be noted that, in many cases, the effects of a high level of adjacent channel interference are masked by a correspondingly high level of cochannel interference.

allocation studies. There is also the potential of adverse impact from incompatibilities between domestic standards and the existing agreements with Canada and Mexico.

The majority of the working party members hold that adjacent channel interference is of concern, especially when addressing the issue of receivers providing a wider bandwidth response than are typically available today. In addition, regardless of present conditions, steps should be taken to prevent further degradation of the interference level in the existing AM band. Many stations do enjoy a low level of adjacent channel skywave interference, if only on one side of carrier. Any change which would reduce the potential for increased interference will result in additional restrictions on both new stations and the ability of existing stations to make changes. Finally, numerous parties have expressed the desirability of having the same set of allocation standards for the existing band and the new expanded band. Since the adverse effects of adjacent channel skywave interference are amply demonstrated in the existing band, the criteria proposed herein should be considered in the expanded band to prevent the same situation from occurring.

Protection of cochannel RSS contour - This method would be implemented as follows. Only the single cochannel RSS value would be calculated for each station, as is current practice. It would be necessary, however, to calculate the cochannel RSS for stations on both the upper and lower adjacent channels of the channel of interest in order to derive the required adjacent channel protection, so RSS calculations would need to be made on a total of three channels. The cochannel RSS value would then become the protected contour for both cochannel and adjacent channel considerations. New adjacent channel stations and proposed changes by existing adjacent channel stations would be required to protect this contour on an RSS basis, employing an appropriate adjacent channel protection ratio. Existing stations which currently exceed the permissible signal strength based upon this method, would be grandfathered at their current level.

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This approach has the following advantages. Cochannel interference would not be permitted to increase since the protected RSS will be based upon a cochannel basis only. Only a single RSS value would be involved for each station, reducing complexity of administration and avoiding complications in depicting coverage. Where adjacent channel interference is not currently a limiting factor, it would not be permitted to increase to an undesirable level.

The main disadvantage of this approach is that in cases where the existing adjacent channel RSS is already of a high value, stations could be restricted more than necessary to prevent increased interference.

Separate Adjacent Channel RSS Approach - This approach would involve dealing with a total of five RSS calculations. In addition to the normal cochannel RSS, the following four RSS values would need to be evaluated: the cochannel RSS's for stations on both the upper and lower adjacent channels, as above; plus the adjacent channel RSS's from stations on the frequency of interest to stations on both the upper and lower adjacent channels. Proposals for new stations or for changes by existing stations would be required to protect the greater of the following two values: 1) the existing adjacent channel RSS or, 2) the existing cochannel RSS of the adjacent channel station, employing an appropriate adjacent channel protection ratio^{2/}. (An example of this method is given under the heading "Recommendations" at the end of this report.)

This approach would have the following disadvantages. The need to consider five different RSS values would increase the complexity of nighttime allocation studies. Each station would have three different RSS values,

^{2/} In cases where the existing cochannel RSS value is less than the normally protected contour value for the station class, the normally protected contour value would be used.

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cochannel and each adjacent channel. This raises the question of which RSS contour should be used in depicting coverage areas. If coverage is based on other than the lowest RSS, what justification can be made to prohibit raising any lower RSS to the level used for coverage matters?

The advantages of this method are that it does not directly open up the possibility for increased cochannel interference and it fully takes into account existing interference on each adjacent channel. Stations would be restricted no more than necessary to prevent an increase in the existing level of interference or, where adjacent channel interference is not currently a limiting factor, to prevent an increase to an undesirable level.

Recommendations - After much discussion by the working party and the Technical Subgroup members, the majority concluded that adjacent channel skywave protection should be included in the FCC rules concerning AM station allocations. A consensus was reached that, if adjacent channel skywave protection is to be considered, the separate adjacent channel RSS approach is the appropriate method to employ. The approach of using only the cochannel RSS was considered improper as it would result in restrictions beyond those necessary to prevent increased interference. With the almost universal use of computers to perform RSS calculations, the increase in the number of calculations required by the separate RSS method would have no significant long term impact. Modification of existing, well designed, software is not expected to be burdensome. The question of which RSS value to use for depiction of coverage can be answered by the introduction of the concept of wide-band and narrow-band service areas. This subject is discussed in more detail below.

A consensus was reached also, that regardless of which method, if any, is adopted, the establishment of some mechanism in the FCC rules which could lead to an attrition in the number of stations in the AM band is highly desirable.

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The separate RSS method requires an adjacent channel protection ratio. Consideration of the appropriate adjacent channel protection ratio to employ led to discussion of the type of service to protect, i.e. narrow-band or wide-band. Since previous recommendations by the Technical Subgroup concerning daytime interference standards have been directed toward the establishment of a wide-band service area, the working party concluded that the same goal should be sought for nighttime service. The daytime groundwave adjacent channel protection ratio currently recommended by the Technical Subgroup is 16 dB. Recently, the appropriateness of the 16 dB value has been questioned. The working party recommendation is that the same ratio should be used for both daytime and nighttime protection, regardless of the value finally adopted.

Employing the recommended method would establish protection criteria for wideband service in addition to the existing narrow band service, similar to the concept of stereo and monaural FM service areas. It is not appropriate to include any adjacent channel skywave signal in the determination of overall station service since adjacent channel interference applies only to the protection of enhanced wideband service. Overall station service would still be based upon the cochannel RSS contour.

Also, it is not appropriate to allow an increase in the level of interference on one sideband because of a high level of interference on the other sideband for the following reasons. Even though digitally tuned radios are becoming more common, substantial numbers of analog tuned receivers are still in use which permit offset tuning. Also, the "damaged" sideband may be improved through attrition of stations. Finally, due to the statistical nature of skywave propagation, the areas within a station's service contour where interference actually occurs can be expected to be different for each sideband since the distribution of stations causing the interference would not be the same.

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A final matter addressed was how to treat stations employing nondirectional antennas during nighttime hours, especially class IV stations. Application of the recommended procedure would, in essence, require any such nondirectional station to install a directional antenna, or reduce power, if it were to change site. This is obviously an undesirable result. The working party concluded that in view of the large number of existing stations on the Class IV channels, the cumulative effect of the limited number of potential new stations and changes by existing stations is unlikely to have any substantive impact on adjacent channels. Likewise, cochannel interference is typically so high that changes on channels adjacent to the class IV channels are unlikely to have any substantive impact. Consequently, the working party recommendation is that Class IV stations should be excluded from consideration of both caused and received nighttime adjacent channel skywave interference. With respect to other classes of stations, employing either directional or omnidirectional antennas, the recommendation is that these stations be permitted to cause a maximum increase in the RSS of an adjacent channel station of 0.25 dB, as a result of a change in transmitter site. This value is the incremental increase which is permitted by a cochannel station when using the 25% exclusion method in calculating the RSS.

The committee agrees that the FCC, at a minimum, should not permit greater interference to Class I skywave service areas than that permitted under the current Rules. However, the committee was unable to reach a consensus concerning adjacent channel protection to skywave service of Class I stations because of concerns over freezing the ability of other existing stations to modify facilities and questions regarding methods of calculation including the determination of existing interference.

To summarize, the working party recommendation is that protection from nighttime adjacent channel skywave interference be determined as follows. The protected station contour will be the greater of the following:

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the normally protected groundwave contour for the station class or the cochannel RSS computed using the 25% exclusion method. The permitted limit of an adjacent channel station at the protected station contour would be the greater of the following:

$$\text{PROT} \times 0.25 \quad (1)$$

or

$$\text{RSS}_{\text{adj-channel}} \times 0.25 \quad (2)$$

where: PROT = The protected station contour as defined above.

$\text{RSS}_{\text{adj-channel}}$ = the RSS value of all stations on the pertinent adjacent channel to the protected station, i.e. cochannel to the interfering station.

For example, determine the required protection to a Class III station on 1270 kHz from a proposal on 1260 kHz. Assume that the RSS from all other 1270 kHz stations at the protected station is 5 mV/m. Further assume that the RSS from all 1260 kHz stations at the protected 1270 kHz station is 6 mV/m. The permissible limit from equation (1) would be 1.25 mV/m and from equation (2) would be 1.50 mV/m. The existing adjacent channel interference is the limiting factor and the permissible limit is 1.50 mV/m.

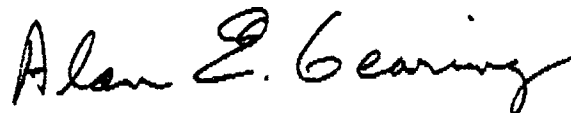
As a second example, determine the required protection to a Class II-C on 740 kHz from a proposal on 750 KHz. Assume that the RSS from all other 740 kHz stations at the protected station is 8 mV/m and that the RSS from all stations on 750 kHz is 4.0 mV/m. In this case, the cochannel RSS is less than the normally protected contour value of 10 mV/m and the latter value must be used in equation (1). The permissible limits are then 2.50 mV/m and 1.00 mV/m, respectively. The existing adjacent channel interference is below the acceptable level and can be increased. The permissible limit is therefore 2.50 mV/m.

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Stations whose authorized facilities currently exceed the permitted limit calculated by this method would be grandfathered at their current level. Class IV stations would be excluded from consideration of both caused and received nighttime adjacent channel skywave interference. Stations, other than Class IV, would be permitted to increase the RSS of an adjacent channel station by a maximum of 0.25 dB, as a result of a change in site.

Respectfully submitted, -



Alan E. Gearing, P.E.
Chairman

November 7, 1989



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

0063

News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

October 5, 1989

En Banc Hearing
on
AM Improvement

The Federal Communications Commission announced on September 29, 1989, that it will convene a special En Banc hearing on the matter of the AM Broadcast Service. The hearing, scheduled for Thursday, November 16, 1989, is intended to review the situation concerning the service and examine its prospects for improvement.

Parties wishing to make oral presentations should submit written requests by close-of-business, Monday, October 16, 1989 to the Mass Media Bureau, 1919 M Street, N.W., Room 314, Washington, D.C., 20554, Attention: William Hassinger. Such requests should clearly identify the speaker, the organization represented (if any), experience and training relevant to AM broadcasting, and the particular topic or topics to be discussed. Depending on the number of requests it may be necessary to limit the number of presenters. If so, we will endeavor to select them so as to obtain a broad and informed viewpoint.

All interested parties may submit written comments. An original and 9 copies of comments and draft testimony should be submitted by November 6, 1989 to:

Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554
Ref: MM Docket No. 87-267

This hearing will be open to the public. The precise format and speaker schedule will be specified in a Public Notice to be released on or about October 20, 1989. For further information please contact William Hassinger at (202) 632-6460. The contact for media coverage is Maureen Peratino or Sally Lawrence at 632-5050.

- FCC -

C.C. WTOP

OFFICE MEMORANDUM

TO: Don

FROM: Wilson

SUBJECT: Discussions in the Technical Subcommittee Re
Adjacent Channel Skywave Interference

DATE: October 4, 1989

On October 3, 1989, a detailed discussion was held in the Technical Subgroup of the FCC Radio Advisory Committee regarding alternatives for considering the effects of adjacent channel skywave interference in the AM broadcast service. This is an issue that has been discussed extensively within the Subcommittee during past meetings. In fact, an ad hoc working party had been formed to develop recommendations on the matter.

This is an issue which is under consideration in MM Docket No. 88-511, Review of the Methods for Calculating Nighttime Protection for Stations in the AM Broadcast Service. In that Notice the Commission has proposed to include adjacent channel skywave signals in the calculation of each station's RSS with appropriate weighting based upon the adjacent channel protection ratio (to be considered in another proceeding not yet initiated). The meeting of the Subcommittee was called at the request of the Chief, Mass Media Bureau (Alex Felker) in order to provide further opportunity for considering the issue. He was concerned because the positions being taken by industry representatives and the FCC staff were substantially different, and it was his hope that further discussion would resolve these differences.

Although there were some views expressed during the meeting that the FCC should continue to ignore adjacent channel skywave interference, it appears that there is general acceptance of the following procedures:

next meeting of the Subcommittee scheduled for November 25. Some participants at yesterday's meeting want to see the text before taking a final position.



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

4665 FCC 89-284

News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

September 29, 1989

FCC VOTES TO HOLD EN BANC HEARING ON AM IMPROVEMENT ISSUES

For more than a decade, AM radio has experienced a steady decline in its aggregate share of the nation's listening audience, in part due to decisions dating from the 1950's which fostered the development of a high-fidelity, FM broadcast service. Comparable AM improvements, however, were not undertaken. AM radio, nevertheless, traditionally has played an important role in ensuring service to the communities which comprise the United States, and a strengthened AM radio service could make a significant contribution to the national welfare. Most importantly, it would broaden listener choices. It would also increase advertiser options and competition in radio and associated markets, thereby enhancing the responsiveness and vigor of those markets. A significant portion of a national resource, the radio spectrum, moreover, has been allocated to AM, and it is important that maximum public dividends be secured from that resource allocation decision.

The Commission believes that the public interest in AM improvement and the future of the service will be served by our convening a special En Banc hearing on November 16, 1989. The purpose of this hearing would be to review the situation concerning the service, examine its prospects for improvement and ensure that the Commission, the broadcast industry and the public are of similar mind concerning the key issues related to AM improvement and the most appropriate means of their resolution.

General matters to be considered at the En Banc hearing would include, but not be limited to, the following:

1. AM improvement and the future of AM radio;
2. Uses of the AM expanded band (1605 kHz-1705 kHz);
3. AM technical improvements and station assignment policies;
4. AM stereophonic transmission and its impact on AM technical criteria and assignment policies;
5. The importance of receiver quality to the future of the AM service.

We encourage participants to incorporate in their remarks cost/benefit analyses, as well as specific examples and suggestions. We specifically invite commenters to evaluate the Commission's ongoing AM improvement efforts in terms of their cost-effectiveness and to identify any AM improvement options the Commission may have overlooked.

The Commission has recently initiated an array of proceedings aimed at strengthening and improving AM radio service to the American people. These include MM Docket No. 88-376, Amendment of the Commission's Rules to improve the quality of the AM Broadcast Service by reducing adjacent channel interference and by eliminating restrictions pertaining to the protected daytime contour, MM Docket No. 88-508, Improved Methods for calculating skywave field strength in the AM Broadcast Band, MM Docket No. 88-509, Nighttime operation for Class II-S and Class III-S AM radio broadcast stations, MM Docket No. 88-510, Improved methods for calculating groundwave field strength in the AM Broadcast Band, MM Docket No. 88-511, Review of the methods for calculating nighttime protection for stations in the AM Broadcast Service, and MM Docket No. 89-46, Policies to encourage interference reduction between AM Broadcast Stations. All of these proceedings have been derived from the initial Notice of Inquiry in MM Docket No. 87-267, which addressed various matters pertaining to technical improvements in the AM broadcast service. Additionally, the Commission has under consideration comments and reply comments in General Docket No. 84-467, which concerns expanding the upper limit of the AM band from 1605 kHz to 1705 kHz. Additional proceedings may be initiated in the future, dealing with such topics as review of protected contours and protection ratios for the AM broadcast service, reclassification of AM stations, possible restrictions on permissible modifications of Class I stations, changes in the permissible power levels of AM stations and regulations pertaining to use of advanced AM station antenna technology.

Comments filed in the ongoing proceedings generally affirm the desirability of the various proposals and encourage us that an orderly transition can and should be made to a technically improved AM service. However, representatives of the broadcast industry have expressed some legitimate concern about whether the anticipated outcome of some of the individual proceedings will have the intended beneficial effect. The Commission has also received a letter from the National Association of Broadcasters Radio Board of Directors asking us to convene a special meeting at which critical AM-related issues can be discussed.

It appears appropriate to address these several distinct aspects of the overall AM improvement process and to pose these pertinent questions which may elicit responses that are beneficial to our formulation of sound approaches to improving the AM broadcast service. By taking this approach, we believe that the Commission will be able to move forward, both rapidly and coherently, in an effort to improve AM broadcasting.

In addition, we would note that our system of AM broadcast assignments is based on both technical criteria and assignment policies. The technical criteria are, or should be, objective and accurate, reflecting our current knowledge of scientific principles and developments in telecommunications systems. The assignment policies are essentially judgmental; they are intended to permit coverage areas to be large enough so that stations may fulfill their functions and yet small enough so that an adequate number of assignments can be made. We recognize that an effort to update the technical criteria may, depending on circumstances, lead to an unanticipated result. Rather than disregard refinements of a technical nature, we would prefer to prevent any untoward outcome by modifying our policies. Furthermore, we urge the parties to address the individual AM proceedings as components of our overall AM inquiry and not as isolated matters.

The Commission solicits comments on these and any other matters relevant to AM improvement. Comments of a general or policy nature may be submitted in writing or by oral testimony at the En Banc hearing. Highly detailed comments, particularly those of a technical nature, would be more properly submitted in writing. We do not encourage submissions that duplicate the existing record. Rather, we wish to focus primarily on the above questions and on specific interdependency aspects in order to clarify our ultimate objectives in AM improvement.

Information submitted at the En Banc hearing, whether presented orally or in writing, will be included as a matter of public record in the MM Docket No. 87-267 proceeding, which is captioned Review of the technical assignment criteria for the AM Broadcast Service. Comments will also be accepted on all of the pending AM improvement proceedings listed in this Public Notice. Such written comments may be filed either in MM Docket No. 87-267 or in the particular docketed proceeding to which they relate. At the En Banc hearing, the Commission will set a date by which reply comments must be filed.

The specific format of the En Banc hearing, the selection of representative witnesses from among those expressing an interest in participating and the arrangement of such other administrative matters as may be necessary will be addressed in future Public Notices.

For further information on this matter contact William Hassinger at (202) 632-6460.

News Media contact: Rosemary Kimball at (202) 632-5050.

-FCC-

Action by the Commission September 29, 1989, by Public Notice (FCC 89-284). Commissioners Sikes (Chairman), Quello, Dennis, Marshall and Barrett.

224445
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**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 73

[DA 89-1052]

**Broadcast Service; Editorial Updating
of Rules References to International
Agreements**

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission has amended rules in 47 CFR part 73 that refer to international agreements which affect AM, FM and TV broadcasting. The amendments are necessitated by changes in international agreements to which the United States is a signatory. The amendments update the rules, but are editorial in nature, and do not change established FCC practices or procedures.

EFFECTIVE DATE: September 28, 1989.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Larry Olson, FCC International Staff, (202) 254-3394.

SUPPLEMENTARY INFORMATION:

In the matter of: Editorial updating of part 73 of the FCC rules to conform them with current practice in implementing international commitments of the United States relating to AM, FM, and TV broadcasting.

Order

Adopted: August 30, 1989.
Released: September 8, 1989.

By the Chief, Mass Media Bureau:

1. This order updates portions of part 73 of the Commission's Rules, 47 CFR part 73, by editorial changes that bring them into conformity with the current texts of treaties, conventions, and other international agreements, arrangements and understandings affecting AM, FM and TV broadcasting. The rule amendments adopted herein embody current FCC practice in carrying out international commitments of the United States, principally under:

The Constitution of the International Telecommunication Union;
The ITU Convention, Nice, 1989;
The ITU Radio Regulations;
The Final Acts of the Regional Administrative MF Broadcasting Conference (Region 2) Rio de Janeiro, 1981;

Bi-lateral Agreements of the United States with Canada and Mexico relating to AM, FM and TV Broadcasting.

2. The rule amendments adopted by this Order pursuant to authority

delegated to the Chief, Mass Media Bureau, are ministerial only. They impose no new burdens, and change no established procedures or practices of the FCC. They merely update, clarify and correct the provisions of rules that provide for compliance by the United States with international commitments. Consequently, the rules revisions set out in Appendix 1 come within the exception in section 553(a)(1) of the Administrative Procedure Act, 5 U.S.C. 553(a)(1), and are, accordingly, adopted without notice and opportunity for comment in a rule making proceeding. Also, in view of the fact that the rule changes are merely ministerial amendments that bring the rules into conformity with obligations of the United States under treaties and international agreements to which it is a Signatory, good cause is found for excepting the present amendments, pursuant to section 553(d)(3) of the Administrative Procedure Act, 5 U.S.C. 553(d)(3), from the generally applicable requirement of publication at least 30 days before their effective date.

3. Because a general notice of proposed rule making is not required, the Regulatory Flexibility Act does not apply.

4. Accordingly, pursuant to section 4(d) of the Communications Act of 1934, as amended, 47 U.S.C. 154(d), and §§ 0.61(b), and 0.283, of the FCC Rules, 47 CFR 0.61(b) and 0.283, *It is ordered*, That, effective upon publication in the Federal Register, part 73 of the FCC Rules, 47 CFR part 73, *is amended* as stated below.

List of Subjects in 47 CFR Part 73

Radio broadcasting, TV broadcasting.
Alex D. Felker,
Chief, Mass Media Bureau.

Rules Changes

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

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

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

2. Section 73.21 is amended by revising paragraph (b)(2), by removing Notes 1 and 2 after paragraph (c) and redesignating Notes 3 and 4 as Notes 1 and 2, to read as follows:

§ 73.21 Classes of AM broadcast channels and stations.

* * * * *

(b) * * *

(2) Class III stations in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands are permitted a maximum power of 50 kW day or night. Until the North

American Regional Broadcasting Agreement (NARBA) is terminated with respect to the Bahama Islands and the Dominican Republic, radiation toward those countries, respectively, from a Class III station in Puerto Rico or the Virgin Islands may not exceed the level that would be produced by an omnidirectional antenna with a transmitter power of 5 kW, or such lower level as will comply with NARBA requirements for protection of stations in the Bahama Islands and the Dominican Republic against objectionable interference.

* * * * *

§ 73.25 [Amended]

3. Section 73.25 is amended by removing Notes 1 and 2 after paragraph (a)(2)(iii) and Note 1 after paragraph (c).

4. Section 73.28 is amended by revising paragraph (b), and by removing Notes (a) and (b), to read as follows:

§ 73.28 Assignment of stations to channels.

* * * * *

(b) The Commission will not make an AM station assignment that does not conform with international requirements and restrictions on spectrum use that the United States has accepted as a signatory to treaties, conventions, and other international agreements. See § 73.1650 for a list of pertinent treaties, conventions and agreements, and § 73.3570 for procedural provisions relating to compliance with them.

* * * * *

5. Section 73.183 is amended by revising the first sentence of the Note following paragraph (b), and revising paragraph (c), to read as follows:

§ 73.183 Groundwave signals.

* * * * *

(b) * * *

Note: International standards have not been established for determining ground conductivity by field strength measurements.

* * * * *

(c)(1) In all cases where measurements taken in accordance with the requirements are not available, the groundwave strength must be determined by means of the pertinent map of ground conductivity and the groundwave curves of field strength versus distance. The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved. Figure M3 (See Note 1) shows the conductivity throughout the United States by general areas of reasonably uniform conductivity. When it is clear that only one conductivity value is involved, Figure R3 of § 73.190, may be used. It is

a replica of Figure M3, and is contained in these standards. In all other situations Figure M3 must be employed. It is recognized that in areas of limited size or over a particular path, the conductivity may vary widely from the values given; therefore, these maps are to be used only when accurate and acceptable measurements have not been made.

(2) For determinations of interference and service requiring a knowledge of ground conductivities in other countries, the ground conductivity maps comprising Appendix 1 to Annex 2 of each of the following international agreements may be used:

(i) For Canada, the U.S.-Canada AM Agreement, 1984;

(ii) For Mexico, the U.S.-Mexico AM Agreement, 1986; and

(iii) For other Western Hemisphere countries, the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2.

Where different conductivities appear in the maps of two countries on opposite sides of the border, such differences are to be considered as real, even if they are not explained by geophysical cleavages.

* * * * *

6. Section 73.1650 is revised to read as follows:

§ 73.1650 International agreements.

(a) The rules in this part 73, and authorizations for which they provide, are subject to compliance with the international obligations and undertakings of the United States. Accordingly, all provisions in this part 73 are subject to compliance with applicable requirements, restrictions, and procedures accepted by the United States that have been established by or pursuant to treaties or other international agreements, arrangements, or understandings to which the United States is a signatory, including applicable annexes, protocols, resolutions, recommendations and other supplementing documents associated with such international instruments.

(b) The United States is a signatory to the following treaties and other international agreements that relate, in whole or in part, to AM, FM or TV broadcasting:

(1) The following instruments of the International Telecommunication Union:

(i) Constitution.

(ii) Convention.

(iii) Radio Regulations.

(2) Regional Agreement for the MF Broadcasting Service in Region 2 (Rio de Janeiro, 1981).

(3) Bi-lateral Agreements between the United States and Canada relating to:

(i) AM Broadcasting.

(ii) FM Broadcasting.

(iii) TV Broadcasting.

(4) Bi-lateral Agreements between the United States and Mexico relating to:

(i) AM Broadcasting.

(ii) FM Broadcasting.

(iii) TV Broadcasting.

(5) Bi-lateral Agreement between the United States and the Bahama Islands relating to presunrise operations by AM stations.

(6) North American Regional Broadcasting Agreement (NARBA), which, for the United States, remains in effect with respect to the Dominican Republic and the Bahama Islands.

The documents listed in this paragraph are available for inspection in the office of the Chief, Policy and Rules Division, Mass Media Bureau, FCC, Washington, DC. Copies may be purchased from the FCC Copy Contractor, whose name may be obtained from the FCC Consumer Assistance Office.

7. Section 73.3570 is amended by revising the heading, and paragraphs (a), (b), and (d) to read as follows:

§ 73.3570 AM broadcast station applications affected by international agreements.

(a) Except as provided in paragraph (b) of this section, no application for an AM station will be accepted for filing if authorization of the facilities requested would be inconsistent with international commitments of the United States under treaties and other international agreements, arrangements and understandings. (See list of such international instruments in § 73.1650(b).) Any such application that is inadvertently accepted for filing will be dismissed.

(b) AM applications that involve conflicts only with the North American Regional Broadcasting Agreement (NARBA), but that are in conformity with the remaining treaties and other international agreements listed in § 73.1650(b) and with the other requirements of this part 73, will be granted subject to such modifications as the FCC may subsequently find appropriate, taking international considerations into account.

* * * * *

(d) In some circumstances, special international considerations may require that the FCC, in acting on applications, follow procedures different from those established for general use. In such cases, affected applicants will be informed of the procedures to be followed:

[FR Doc. 89-22874 Filed 9-27-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[DA 89-1202]

Private Land Mobile Radio Services, Part 90 Editorial Amendments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending part 90 concerning the Private Land Mobile Radio Services to correct typographical errors and omissions, to remove references to superceded rules, and to revise wording to clarify the affected sections.

EFFECTIVE DATE: September 20, 1989.

FOR FURTHER INFORMATION CONTACT:

Eugene Thomson or F. Ronald Netro, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau Chief's Order, DA 89-1202, adopted September 20, 1989, and released September 22, 1989. The full text of this Bureau Chief 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 may also be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street, NW., Suite 140 Washington, DC 20037, (202) 857-3800.

Summary of Order

On September 22, 1989, the FCC released an Order, DA 89-1202, amending part 90 of the Commission's Rules to incorporate editorial corrections and clarifications. By this Order, the FCC corrected typographical errors and omissions, removed references to superceded rules, and revised wording to clarify the affected sections.

Ordering Clauses

Accordingly, *it is ordered*, That, under the authority contained in sections 4(i), 5(c)(1) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(c)(1) and 303(r) and in § 0.331(a)(1) of the Commission's Rules, 47 CFR 0.331(a)(1), part 90 is amended as set forth below.

It is further ordered, That because these amendments clarify existing rules, this Order is effective September 20, 1989.

List of Subjects in 47 CFR Part 90

Private land mobile radio services.

Amendatory Text

1. Part 90 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

The authority citation for part 90 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

§ 90.25 [Amended]

2. Section 90.25(f)(2) is amended by changing "(A9 or F9 emission)" to "(A1D, A2D, F1D, or F2D emission)".

3. Section 90.63(c) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.63 Power radio service.

()*(*)*(*)*(*)
(c) * * *

POWER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	17
935 to 940	Base or mobile	17

4. Section 90.65(b) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.65 Petroleum radio service.

()*(*)*(*)*(*)
(b) * * *

PETROLEUM RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	30
935 to 940	Base or mobile	30

5. Section 90.67(b) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.67 Forest products radio service.

()*(*)*(*)*(*)
(b) * * *

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	20
935 to 940	Base or mobile	20

6. Section 90.69(b) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.69 Motion picture radio service.

()*(*)*(*)*(*)
(b) * * *

MOTION PICTURE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	5
935 to 940	Base or mobile	5

7. Section 90.71(b) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.71 Relay press radio service.

()*(*)*(*)*(*)
(b) * * *

RELAY PRESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	3
935 to 940	Base or mobile	3

8. Section 90.73(c) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.73 Special industrial radio service.

()*(*)*(*)*(*)
(b) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	21
935 to 940	Base or mobile	21

9. Section 90.75(b) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.75 Business radio service.

()*(*)*(*)*(*)
(b) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	33
935 to 940	Base or mobile	33

10. Section 90.79(c) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.79 Manufacturers radio service

()*(*)*(*)*(*)
(c) * * *

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	15
935 to 940	Base or mobile	15

11. Section 90.81(c) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.81 Telephone maintenance radio service.

()*(*)*(*)*(*)
(c) * * *

TELEPHONE MAINTENANCE RADIO
SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	7
935 to 940	Base or mobile	7

12. Section 90.89(b) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.89 Motor carrier radio service.

* * * * *

(b) * * *

MOTOR CARRIER RADIO SERVICE
FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	12
935 to 940	Base or mobile	12

13. Section 90.91(b) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.91 Railroad radio service.

* * * * *

(b) * * *

RAILROAD RADIO SERVICE FREQUENCY
TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	13
935 to 940	Base or mobile	13

14. Section 90.93(b) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.93 Taxicab radio service.

* * * * *

(b) * * *

TAXICAB RADIO SERVICE FREQUENCY
TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	5
935 to 940	Base or mobile	5

15. Section 90.95(c) is amended by adding the bands 896 to 901 MHz and 935 to 940 MHz to the Frequency Table under MHz numerically to read as follows:

§ 90.95 Automobile emergency radio service.

* * * * *

(c) * * *

AUTOMOBILE EMERGENCY RADIO SERVICE
FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
896 to 901	Mobile	10
935 to 940	Base or mobile	10

§§ 90.63, 90.65, 90.67, 90.69, 90.71, 90.73,
90.75, 90.79, 90.81, 90.89, 90.91, 90.93 and
90.95 [Amended]

16. Sections 90.63(d)(17), 90.65(c)(30), 90.67(c)(20), 90.69(c)(5), 90.71(c)(3), 90.73(d)(21), 90.75(c)(33), 90.79(d)(15), 90.81(d)(7), 90.89(c)(12), 90.91(c)(13), 90.93(c)(5), and 90.95(d)(10) are amended by revising each pertinent paragraph to read: "Subpart S contains rules for assignment of frequencies in the 806–821/851–866 and 896–901/935–940 MHz bands."

§ 90.63 [Amended]

17. Section 90.63(d)(5) is amended by changing the word "petroleum" to "Petroleum".

§ 90.69 [Amended]

18. Section 90.69(b) is amended by adding an asterisk in the first column to the frequency band 10.550 to 10.680 MHz in the Motion Picture Radio Service Frequency Table and the following footnote immediately below the Table. "The frequencies in the band 10.55–10.68 GHz are available for Digital Termination Systems and for associated internodal links in the Point-to-Point Microwave Radio Service. No new licenses will be issued under this subpart but current licenses will be renewed."

§ 90.79 [Amended]

19. Section 90.79(d)(11) is amended by removing the extra phrase "in this service".

§ 90.81 [Amended]

20. Section 90.81(d)(4) is amended by changing the word "assigns" in the fourth sentence to "assignees".

§ 90.85 [Amended]

21. Section 90.85 is amended by changing, in the first sentence, the words "motor carrier" to "Motor Carrier".

§ 90.95 [Amended]

22. Section 90.95(c) is amended by adding an asterisk in the first column to the frequency band 10.550 to 10.680 MHz in the Automobile Emergency Radio Service Frequency Table and the following footnote immediately below the Table. "The frequencies in the band 10.55–10.68 GHz are available for Digital Termination Systems and for associated internodal links in the Point-to-Point Microwave Radio Service. No new licenses will be issued under this subpart but current licenses will be renewed."

§ 90.103 [Amended]

23. Section 90.103(c)(22) is amended by changing "(AO)" to "(NON)" and ".2 percent" to "0.2 percent".

§ 90.103 [Amended]

24. Sections 90.103(c)(23) and (c)(24) are amended by removing the words "Subpart F of".

25. Section 90.119(b) is revised to read as follows:

§ 90.119 Application forms.

* * * * *

(b) With respect to the 806–824/851–869 and 896–901/935–940 MHz bands, all applications required by this section to be filed on Form 574 shall be accompanied by Form 574–A.

* * * * *

§ 90.127 [Amended]

26. Section 90.127(a)(1) is amended by adding the word "the" prior to "Federal Communications Commission, Gettysburg, PA 17326."

§ 90.127 [Amended]

27. Section 90.127(c)(4) is amended by changing the words "806–821 and 851–866" to read "806–824/851–869 and 896–901/935–940".

§ 90.173 [Amended]

28. Section 90.173(i) is amended by adding the word "being" before "5.26 MHz." in the third sentence.

§ 90.175 [Amended]

29. Section 90.175(f)(7) is removed and reserved.

§ 90.176 [Amended]

30. Section 90.176(b) is amended by removing the words "(except for the Radiolocation Service)".

§ 90.177 [Amended]

31. Section 90.177(c) is amended by revising the right column heading in the Table to read as follows: "Power flux density¹ (dBW per square meter) in authorized bandwidth of service."

32. Section 90.242(a) is amended by revising the heading and the introductory text to read as follows:

§ 90.242 Travelers' information stations.

(a) 530 and 1610 kHz. The frequencies 530 and 1610 kHz may be assigned in the Local Government Radio Service for the operation of Travelers' Information Stations subject to the following conditions and limitations:

* * * * *

§ 90.243 [Amended]

33. Section 90.243(b)(1) is amended by changing the words "Medical Services" to "medical services".

34. Section 90.251 is revised to read as follows:

§ 90.251 Scope.

This subpart sets forth special requirements applicable to the use of certain frequencies or frequency bands.

§ 90.271 [Amended]

35. Section 90.271(b)(4) is amended by changing the words "mobile for control" to "mobile or control".

§ 90.405 [Amended]

36. Section 90.405(b) is amended by changing the words "in the 470–512 MHz or 800 MHz frequency band." to "above 470 MHz under this part."

§ 90.425 [Amended]

37. Section 90.425(c)(2) is amended by changing the words "radiolocation service" to "Radiolocation Service".

§ 90.463 [Amended]

38. Section 90.463(a) is amended by removing the word "himself" in the third sentence.

§ 90.465 [Amended]

39. Section 90.465(a) is amended by changing "SF" in the second sentence to "single frequency".

§ 90.555 [Amended]

40. Section 90.555(b) is amended by removing the following entries in the table the first time they appear: 173.20375, 173.2100, 173.225, 173.250,

173.275, 173.300, 173.325, 173.350, and 173.375, and also removing the first 173.375 that follows 173.3625.

41. Section 90.613 is amended by revising the title of the Table of 806–821/851–866 MHz Channel Designations and the entry for Channel 829 to read as follows:

§ 90.613 Frequencies available.

* * * * *

TABLE OF 806–824/851–869 MHz
CHANNEL DESIGNATIONS

Channel No.	Base frequency (MHz)
* * *	* * *
829	.9750
* * *	* * *

Federal Communications Commission.
Ralph A. Haller,
Chief, Private Radio Bureau.
[FR Doc. 89–22873 Filed 9–27–89; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION**49 CFR Part 1011**

[Ex Parte No. 55; Sub-No. 78]

Delegation of Authority To Issue Exemptions Under 49 U.S.C. 11343(e) for Finance Transactions Involving Non-Rail Intermodal Parties

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a final rule, at 49 CFR 1011.8(c)(7), that delegates authority to the Director of the Office of Proceedings to issue notices of exemption under 49 U.S.C. 11343(e) for finance transactions processed under *Exemptions—Finance Transactions—Non-Rail Parties*, 5 I.C.C.2d 726 (1989), involving non-rail intermodal parties. The Commission is delegating this authority initially to decide these cases for purposes of administrative efficiency. The final rule is set forth below.

EFFECTIVE DATE: September 28, 1989.

FOR FURTHER INFORMATION CONTACT:

Paul W. Schach, (202) 275–7885

or

Richard B. Felder, (202) 275–7691.

[TDD for hearing impaired: (202) 275–1721.]

SUPPLEMENTARY INFORMATION: The Commission recently adopted new procedures for processing petitions for exemption under 49 U.S.C. 11343(e) for

finance transactions involving non-rail intermodal parties. *See Exemptions, supra*. The Commission now has decided to delegate authority to the Director of the Office of Proceedings to consider such petitions in the first instance and issue notices of exemption. Absent a protest, the Director's notice will become the final action of the Commission. If a notice is protested, however, the proceeding then will be reconsidered by the entire Commission.

This decision requires a minor change to 49 CFR part 1011, specifically the addition of a new subsection to the delegations of authority to the Office of Proceedings appearing at 49 CFR 1011.8(c). This rule change, however, does not require public notice and opportunity for comment prior to implementation. Under 5 U.S.C. 553(b)(A), rules of agency procedure or practice are specifically exempted from the notice and comment requirements of the Administrative Procedure Act. The delegation of authority announced here relates solely to Commission processing methods. The parties' rights are not adversely affected.

Environmental and Energy Considerations

We conclude that the delegation of authority announced here will not significantly affect either the quality of the human environment or the conservation of energy resources.

Index**List of Subjects in 49 CFR Part 1011**

Administrative practice and procedure, Authority delegations.

Authority: 5 U.S.C. 553 and 49 U.S.C. 10305 and 10321.

Decided: September 20, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips. Vice Chairman Simmons dissented with a separate expression.

Noreta R. McGee,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1011 of the Code of Federal Regulations is amended as follows:

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

1. The authority citation for 49 CFR part 1011 continues to read as follows:

Authority: 49 U.S.C. 10301, 10302, 10304, 10305, 10321; 31 U.S.C. 9701; 5 U.S.C. 553.

PUBLIC NOTICE

Federal Communications Commission ■ 1919 M Street, NW. ■ Washington, D.C. 20554



For information on releases and texts call 632-0002

FCC 73-1096

02827

October 26, 1973 - G

CONSTANTS FOR DIRECTIONAL ANTENNA COMPUTER PROGRAMS

Notice is hereby given that the Commission is now using the following constants in its computer programs for calculating radiation, RMS, etc., for standard broadcast directional antennas:

C1 152.15158 mV/m for 1 kW

C2 37.256479 mV/m for 1 ampere

The calculation of the performance of directional antennas in the standard broadcast band is usually performed by computer. Until recently, small differences in the calculations by different computer programs were usually negligible. But now, with an existing rule requirement that a one ohm loss resistance normally be assumed for each element (§73.150(b)(1)(i)), small variations in programs may yield significant differences in the computed results. This suggests the desirability of standardizing the value of the constants used in all computer programs.

Attached hereto, is a derivation of these two important constants used in the FCC's standard broadcast radiation computer programs. This derivation is based upon the latest determination of the speed of light by the National Bureau of Standards and is accurate to about one meter per second. The new figure for the speed of light does not change the constants appreciably, but the Commission is now specifying these constants to eight significant figures, and for the sake of uniformity suggests that computer programs used for preparing applications to be considered by the Commission use these same constants.

Attachment

A T T A C H M E N T

DERIVATION OF CONSTANTS USED IN COMPUTER PROGRAMS FOR STANDARD BROADCAST DIRECTIONAL ANTENNA CALCULATIONS

c = Velocity of Light in a Vacuum, 2.99792456×10^8 Meters/Second*

Uo = Permeability of free space, $4 \text{ Pi} \times 10^{-7}$ Henries/Meter**

r = Distance, 1 mile (1609.344 Meters)

Pi = 3.141592654

Pr = Radiated power in kilowatts

G = Antenna Height

Rc = Resistivity of free space in ohms. $Rc = (Uo)(c) = 376.73031$ ohms

E = Field strength in millivolts per meter

Cl = The constant that relates the inverse distance field strength at one mile in millivolts per meter to the square root of the power in kilowatts into a standard hemispherical radiator.
(A standard hemispherical radiator is one that radiates power uniformly in all directions over a hemisphere)

$$E = \left[\frac{2(Rc)(10^3 Pr)}{4(Pi)(r^2)} \right]^{1/2} \times 10^3 \text{ millivolts per meter}$$

$$E = (Cl) \times (Pr)^{1/2}$$

$$Cl = \left[\frac{2(Rc)(10^3)}{4(Pi)(r^2)} \right]^{1/2} \times 10^3$$

Cl = 152.15158 millivolts per meter for 1 kW (to 8 significant figures)

* Most recent figure from the National Bureau of Standards for the velocity of light.

** By definition.

October 1973

2.

C2 = The constant that relates the RMS inverse distance field strength at one mile in the horizontal plane in millivolts per meter to the loop current in amperes in a vertical radiator of height G.

$$E = \frac{(Rc) \times 10^3}{2(Pi)(r)} I(1 - \cos G)$$

$$E = (C2) I(1 - \cos G)$$

C2 = 37.256479 millivolts per meter for 1 ampere (to 8 significant figures)

October 1973



DAILY DIGEST

Federal Communications Commission

1919 - M Street, N.W.

Washington, D. C. 20554

AM 7
P.2
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2943.

These are unofficial announcements of Commission actions. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC. 515 2d 385 (D.C. Circ. 1975). A list of other releases and documents made available today also is included.

Vol. 8, No. 97

May 22, 1989

NEWS RELEASES

SIGNAL CARRIER RULES ELIMINATED - MM DOCKET 85-349, GEN. DOCKET 87-107 (Report DC-1418, Action in Docket Case)

The Commission has eliminated the mandatory television broadcast signal carriage rules for cable systems, lifted the stay of the input select-or switch offer and consumer education requirements and revised the date by which cable systems must comply with those requirements.

Action by the Commission May 18 by Order (FCC 89-162).

News Media contact: Rosemary Kimball at (202) 632-5050; Mass Media Bureau contact: Scott Roberts at (202) 632-6302.

MOBILE SERVICE APPLICANTS ALLOWED TO CONSTRUCT PRIOR TO AUTHORIZATION - CC DOCKET 88-475 (Report DC-1417, Action in Docket Case)

The Commission has amended its rules to permit cellular and public land mobile service (PLMS) applicants to start constructing facilities after filing an applications (Form 401) and without receiving prior Commission authorization, as long as certain conditions are met.

Action by the Commission May 17 by R&O (FCC 89-160).

News Media contact: Rosemary Kimball at (202) 632-5050; Common Carrier Bureau contact: Pamela Gerr at (202) 632-6450.

STANDARDS FOR DIRECT INWARD DIALING CALLS PROPOSED - CC DOCKET 89-114 (Report DC-1419, Action in Docket Case)

The Commission has proposed amending Part 68 of its rules to include standards for Direct Inward Dialing. The change was requested by AT&T.

Action by the Commission May 11 by NPRM (FCC 89-152).

News Media contact: Rosemary Kimball at (202) 632-5050; Common Carrier Bureau contact: Robert James at (202) 634-1831.

REQUIREMENT FOR FIRM FINANCIAL COMMITMENT SHOWING FOR NON-WIRELINE RSA APPLICANTS UPHELD - CC DOCKET 85-388 (Report DC-1420, Action in Docket Case)

The Commission has denied Cellular Telecommunications Industry Association reconsideration of the Fourth Report and Order in this proceeding which requires a firm financial commitment showing by all non-wireline RSA applicants at the time of filing their applications.

Action by the Commission May 8 by Fourth Order (FCC 89-141).

News Media contact: Rosemary Kimball at (202) 632-5050; Common Carrier Bureau contact: David Siehl at (202) 632-6450.

PUBLIC NOTICES

Report NA-93B - NOTICE OF ACCEPTANCE FOR FILING OF FM BROADCAST APPLICATIONS AND NOTICE OF PETITIONS TO DENY DEADLINE - ERRATUM TO REPORT NA-93, RELEASED MAY 9

Report 14470 - BROADCAST APPLICATIONS

ERRATUMS to Reports 14464 and 14466, BROADCAST APPLICATIONS, released May 16

Report 20586 - BROADCAST ACTIONS

Report CL-89-157 - COMMON CARRIER PUBLIC MOBILE SERVICES INFORMATION, APPLICATION FOR RECONSIDERATION OR REVIEW HAS BEEN FILED IN MARKET 581 A

Report CL-89-158 - COMMON CARRIER PUBLIC MOBILE SERVICES INFORMATION, ANNOUNCEMENT OF NONWIRELINE TENTATIVE SELECTEE FOR RSA CELLULAR MARKETS 339, 349, 355, 356, 393, 523, 524, 527, 530, 636, 641, 642, 708, 711, 716, AND 717

Report CL-89-159 - COMMON CARRIER PUBLIC MOBILE SERVICES INFORMATION, ANNOUNCEMENT OF WIRELINE TENTATIVE SELECTEE FOR RSA CELLULAR MARKES 349, 352, 355, 388, 524, 525, 527, 530, 531, 532, 606, 678 AND 716

Report CL-89-160 - COMMON CARRIER PUBLIC CELLULAR RADIO SERVICE INFORMATION, CELLULAR APPLICATIONS ACCEPTED FOR FILING

(over)

TEXTS

* NOTE
WESTLAND, MI. Granted a request by Birach Broadcasting Corporation, licensee of WNZK-AM at Westland, MI, for a waiver of the Commission's rules. The waiver will permit Birach to file an application for authorization to provide AM broadcast service on frequency 690 kHz at an increased power during the day, and on frequency 680 kHz at night. (By Direction Letter [FCC 89-147] adopted May 9 by the Commission)

METACOMM CELLULAR PARTNERS. Granted request by Metacomm and reinstated its application for a construction permit to establish a new cellular system to operate on frequency Block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Wyoming 1 - Park, RSA, No. 718. (By Order on Reconsideration [DA 89-544] adopted May 12 by the Chief, Common Carrier Bureau)

NECA BOARD OF DIRECTORS. Modified Part 69 of the access charge rules governing the composition of NECA's Board of Directors to reflect more accurately the interests of member companies in NECA's operations in the post-1989 pooling environment. (CC Docket 78-72, Phase I by R&O [FCC 89-143] adopted May 8 by the Commission)

PACIFIC BELL AND NEVADA BELL (PACTEL). Approved Pactel's plan for the provision of comparably efficient interconnection for voice store and forward service. (By MO&O [DA 89-549] adopted May 15 by the Chief, Common Carrier Bureau)

PACIFIC TELECOM CABLE, INC. (PTC). The FCC has granted a request by PTC regarding common carrier use of private cable systems. PTC is conditionally licensed to land and operate in the United States as a privately owned high capacity digital submarine cable (the North Pacific Cable) between the U.S. and Japan. (By MO&O [FCC 89-134] adopted May 4 by the Commission)

REGION 8 PUBLIC SAFETY PLAN. Accepted the Public Safety Radio Plan for the New York Metropolitan Area Region 8, subject to conditions. (Gen. Docket 88-476 by Order [DA 89-533] adopted May 12 by the Chief, Private Radio Bureau and the Chief Engineer)

RURAL CELLULAR SERVICE. See fourth item under "News Releases."

SATELLITE CELLULAR SYSTEMS. Denied Satellite Cellular Systems' request for reconsideration of the dismissal of its application for authority to construct and operate a domestic public cellular radio telecommunications service on frequency Block A in Utah Rural Service Area. (By MO&O [DA 89-547] adopted May 12 by the Chief, Common Carrier Bureau)

TWO WAY RADIO SERVICE. Denied Two Way Radio Service review of a Private Radio Bureau action recovering, for failure to meet applicable loading requirements, two of five channels authorized Specialized Mobile Radio station KNHH-547, in the Boston, MA, area. (By MO&O [FCC 89-150] adopted May 9 by the Commission)

ADDENDA: The following items released May 19 were not listed on Digest 96:

PUBLIC NOTICE

GOVERNMENT AND NONGOVERNMENT PUBLICATIONS SOURCES -
Contact: Donna R. Searcy at (202) 632-6410.

TEXT

IDB COMMUNICATIONS GROUP, INC. Granted request by Comsearch Inc. and set aside the Commission's April 21, 1989, grant of IDB's request for authority to modify its domestic fixed-satellite earth station in Salt Lake City, UT, pending further consideration. (By Order [DA 89-568] adopted May 18 by the Chief, Domestic Facilities Division, Common Carrier Bureau)



NEWS

FEDERAL COMMUNICATIONS COMMISSION
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2951

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May 23, 1989

PIRATE BROADCASTER SHUT DOWN

An unlicensed and illegal radio broadcasting operation in the Miami, Florida area was located and shut down last night. Representatives from the Federal Communications Commission and U.S. Marshals Service seized the radio transmitter and other station equipment. The station, identified as "La Voz de Alpha 66", transmitted on 6666.6 kilohertz, a frequency set aside for aeronautical enroute usage. The programming was in Spanish and appeared to be directed towards Cuba.

The transmitter was located in a motor vehicle and, as such, the station had been able to regularly change its transmitting location. The transmitter was operated by Diego Medina, who previously has identified himself as the Secretary of a group known as Alpha 66 Organizacion Revolucionaria Cubana. Administrative fines were imposed on that group in 1982 and 1983 for earlier unlicensed operations.

The unlicensed operation of a radio station violates Section 301 of the Communications Act. Violators may be subject to criminal penalties as well as civil forfeiture of radio equipment. The U.S. Department of Justice is pursuing civil actions against the equipment and the violators.

Aeronautical enroute frequencies are used by aircraft to transmit information related to the safe, economical, and efficient operation of their aircraft. A potential for serious interference to authorized communications existed in that the unauthorized signal could be heard over large portions of the United States.

- FCC -

News Media contact: Patricia A. Chew at 202-632-7050.

ularen
AM. 9.

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

9. Section 170.010 is revised to read as follows:

§ 170.010 Equivalents.

Substitutions for fittings, equipment, arrangements, calculations, information, or tests required in this subchapter may be approved by the Commandant, the Commanding Officer, U.S. Coast Guard Marine Safety Center (G-MSC), 400 Seventh St., SW., Washington, DC 20590-0001 or the Officer in Charge, Marine Inspection, if the substitution provides an equivalent level of safety.

10. In § 170.100, paragraph (b) is revised to read as follows:

§ 170.100 Addresses for submittal of plans and calculations.

(b) Commanding Officer, U.S. Coast Guard Marine Safety Center (G-MSC), 400 Seventh St., SW., Washington, DC 20590-0001.

PART 189—INSPECTION AND CERTIFICATION

11. In § 189.55-15, paragraph (a)(3) is revised to read as follows:

§ 189.55-15 Procedure for submittal of plans.

(a) * * *

(3) The plans may be submitted directly to Commanding Officer, U.S. Coast Guard Marine Safety Center (G-MSC), 400 Seventh St., SW., Washington, DC 20590-0001.

May 1, 1989.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

FR Doc. 89-10900 Filed 5-5-89; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88-376; FCC 89-118]

AM Broadcast Service; Improvement of Quality by Reducing Adjacent Channel Interference And By Eliminating Restrictions Pertaining to the Protected Daytime Contour

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its Rules to adopt a new emission limitation applicable to AM broadcast station operation. This action is necessary to reduce the level of adjacent channel interference in the AM broadcast service that discourages listeners, particularly at nighttime. The intended effect of this action is to reduce adjacent channel interference in current AM receivers and to produce an AM broadcast band environment which will permit the manufacture of wider bandwidth AM receivers with improved fidelity, thereby making the AM service more competitive with the FM broadcast service.

EFFECTIVE DATE: June 30, 1990.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This action does not impose a new public reporting burden or information collection requirement. The following is a synopsis of the Commission's *First Report and Order* in MM Docket No. 88-376 adopted on April 12, 1989, and released on April 27, 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 also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M St., NW., Suite 140, Washington, DC 20037.

Summary of the First Report and Order

1. The *Notice of Proposed Rule Making* ("Notice"), (53 FR 36870, September 22, 1988) in the captioned matter proposed two changes in the technical rules governing the standard broadcast (AM) service. This action addresses one of these proposals: the matter of adjacent channel emission limits. The other proposal, elimination of the "first service" provision in 47 CFR 73.37(b), will be treated in a subsequent action. After careful consideration of the record, the Commission adopts the National Radio Systems Committee radio frequency emission limitation ("NRSC-2") as a new AM broadcast station standard. However, until June 30, 1994, stations employing the NRSC audio pre-emphasis standard ("NRSC-1") will be presumed to comply with NRSC-2 in the absence of specific information to the contrary.

2. The *Notice* discussed AM adjacent channel interference, AM audio processing practices, and their effects on

the quality of the AM broadcast service. It presented two new standards developed by the National Radio Systems Committee ("NRSC"), a cooperative effort of the NAB and EIA. These standards are intended to reduce the occupied radio frequency (RF) bandwidth of AM broadcast transmitters from the current 30 kHz to a nominal 20 kHz in order to reduce interference levels and improve reception quality in the AM service.

3. One of the standards, NRSC-1, specifies a particular pre-emphasis characteristic for the audio signal (affecting energy at frequencies between 3.0 kHz and 9.5 kHz.) input to the AM broadcast transmitter. It requires great attenuation of the audio signal at frequencies above 10 kHz in order to reduce adjacent channel interference. However, because of inherent shortcomings associated with use of NRSC-1 alone, the Commission in the *Notice* specifically declined proposing to mandate its use.

4. The other standard, NRSC-2, defines a new emission limitation for AM stations. Because the Commission believes NRSC-2 to be the more comprehensive of the two standards in terms of ensuring a reduction in adjacent channel interference, it was the principal focus of the *Notice* and was specifically proposed for adoption. The fundamental premise of the *Notice* was that application of the emission limitation standard (NRSC-2), being a measure of the entire transmission system output, was a much more comprehensive method of limiting interference than application of an audio standard (NRSC-1), the effectiveness of which could be reduced by the operation of other circuits. However, the Commission did seek comment on a "presumptive compliance" alternative in which licensees using NRSC-1 pre-emphasis would be presumed to comply with the NRSC-2 emission limitation, absent any evidence to the contrary. The record further supports these preliminary findings and convince the Commission that its initial approach, adoption of the NRSC-2 emission limitation, is the more effective course of action.

5. The Commission cites six fundamental reasons for this conclusion: (1) By itself, the NRSC-1 audio standard will not be effective in alleviating interference produced by overmodulation or transmission system anomalies; it requires the NRSC-2 emission limitation to be fully effective; (2) the characteristics of the audio response intended to be produced by the NRSC-1 filter can be readily

circumvented or abused by adjustments made to other audio processing equipment; moreover, to the extent NRSC-1 specifies a particular pre-emphasis of audio signals below 10 kHz, it limits licensees' flexibility in adjusting their audio processing equipment; (3) the NRSC-2 emission limitation alone provides effective control of interference due to emitted signals; thus, it renders NRSC-1 redundant; (4) very few transmitters will be unable to comply with NRSC-2; (5) the NRSC-2 emission limitation is readily enforceable through over-the-air monitoring techniques, whereas determining compliance with NRSC-1 would require an on-site inspection; (6) the cost to licensees of ensuring that a station conforms to NRSC-1 is the same as ensuring that it complies with NRSC-2.

Efficacy of NRSC-2 Versus NRSC-1

6. Implementation of the NRSC-1 audio standard alone would probably lead to some reduction in adjacent channel interference in the AM service. However, because it does not address important transmission system problems such as transmitter overmodulation, incidental phase modulation, and spurious signal output, its effectiveness in limiting interference is open to question. The Commission expressed concern about this problem in the *Notice* and noted that the record at that time was deficient with respect to additional rules that would be needed to limit distortion and splatter produced in the transmitter. The record remains silent on this important matter.

7. The comments support the Commission's opinion that the NRSC-1 audio standard does not address the transmitter performance requirements necessary to ensure a reduction in splatter and adjacent channel interference levels. Under the NRSC-1 approach, interference generated in the transmitter that is not in excess of the current, wider bandwidth emission limits would not be subject to regulation and would continue to degrade the AM service. Therefore, the Commission concludes that mandating the use of the NRSC-1 audio standard would not provide sufficient regulatory control to limit splatter interference to any greater extent than its current rules. A survey conducted by one of the commenters confirms this view. Adherence to good engineering practice is more important than mere use of NRSC-1 audio processing alone in reducing adjacent channel interference. The NRSC-2 emission limitation, being a comprehensive measure of compliance with good engineering practice, appears to be a necessary addition to any formal

adoption of the NRSC-1 audio standard. Accordingly, the Commission declines to adopt the NRSC-1 audio standard as a mandatory requirement.

Regulatory Flexibility

8. The Commission believes that the NRSC-1 audio standard, which specifies in detail a transmitter input frequency response characteristic, should be considered a highly recommended but nevertheless voluntary standard so that licensees may have maximum flexibility to determine appropriate transmission system input parameters. By mandating transmission system output standards, such as NRSC-2, the Commission fulfills its regulatory mandate to limit interference while allowing licensees to exercise maximum technical creativity in the provision of service.

9. Almost all of the commenters favor the eventual adoption of NRSC-2 as the new AM station emission limitation. NRSC-2 requires that emissions removed more than a 10 kHz from the carrier be substantially attenuated in order to reduce adjacent channel interference. Unlike the NRSC-1 audio standard, the NRSC-2 emission limitation regulates the technical characteristics of the transmitted signal, including interference-causing emissions generated in the transmitter by overmodulation or other causes. Such carefully chosen emission limitations are better able to control interference than an audio-based standard.

10. An important issue is whether NRSC-2 should be implemented now, or some time in the future. In this connection the Commission notes that the current definition of the NRSC-2 emission limitation is intended as an interim standard, and that to accommodate most existing transmitters, it is not as stringent as it might otherwise be. The Commission concurs with this assessment; however, the NRSC-2 emission limitation requires considerable attenuation of sidebands removed 10 kHz or more from the carrier frequency and thus should be quite effective in reducing levels of adjacent channel interference. Its adoption also sends a clear signal to receiver manufacturers that AM technical quality is improving.

Implementation and Compliance Costs

11. Some of the commenters express concern that if the Commission adopts NRSC-2 now, implementation and compliance costs may be greater than if the Commission were to adopt NRSC-1. One argues that the current emission limitations are so loose that licensees need not perform measurements to verify compliance with them, and that

compliance with more realistic standards could entail some expense. However, 47 CFR 73.1590 currently requires AM station licensees to perform measurements to verify compliance with the current emission limitations at least once every 14 months. Thus, amendment of the emission limitations does not impose any new regulatory requirement.

12. The Commission is concerned that some commenters who believe that unnecessary additional effort, time or expense would be required to comply with NRSC-2 may fail to recognize that simply installing an NRSC-1 filter may not be sufficient to achieve a real reduction in the levels of adjacent channel interference. After conversion to NRSC-1, it is highly desirable that the station equipment be carefully analyzed, adjusted, and operated in a manner that will produce all the benefits intended by the addition of the NRSC-1 equipment. The Commission believes that in practice, any additional time, effort or expense incurred to verify proper station operation will be the same for either NRSC-1 or NRSC-2.

13. Some commenters express concern that not all transmitters, after having been properly maintained and adjusted, may be able to meet the NRSC-2 requirements, and that this could require purchase of a new transmitter at considerable cost. The record contains no evidence that any particular type of AM transmitter will be unable to meet the NRSC-2 emission limitation. To the contrary, it indicates that NRSC-2 was designed with current broadcast transmitters in mind and that cases requiring transmitter replacement should be few, if any. Any such cases can be handled individually. The record further indicates that a transmitter which is properly adjusted to accommodate stereo operation should easily meet the emission limitation. Thus, the Commission considers it unlikely that transmitter replacement will be necessary or that any increased burden will result from its requiring licensees to comply with the NRSC-2 emission limitations.

Presumptive Compliance

14. The *Notice* also discussed an alternate regulatory approach whereby, in the absence of evidence to the contrary, stations adhering to the NRSC-1 audio standard would be presumed to comply with the NRSC-2 emission limitations. This concept is based upon the assumption that stations employing NRSC-1 audio processing and operating a properly adjusted and maintained transmitter should meet the NRSC-2 emission limitations. Because

reduced second adjacent channel interference has been noticed from many stations that have voluntarily installed NRSC-1 audio processors, such an assumption appears warranted.

15. As discussed above, it appears that there will be little, if any, difference in compliance cost between NRSC-1 and NRSC-2. Nevertheless, many of the commenters favor the presumptive compliance alternative suggested in the *Notice* as a means of ensuring that implementation and compliance costs are minimized. Thus, the Commission is adopting a presumptive compliance approach with respect to implementation of NRSC-2, as described below.

16. Beginning June 30, 1990, all AM stations will be required to comply with the NRSC-2 emission limitations. However, until June 30, 1994, broadcast licensees also may elect to ascertain compliance with the NRSC-2 standard by adhering to the NRSC-1 audio bandpass and pre-emphasis standard. Licensees making this election will be presumed to comply with the new emission limits, and they will not be required to make periodic emission measurements as required by 47 CFR 73.1590(a)(6). The presumption of compliance with the emission limits may be rebutted by technical evidence (e.g., spectrum analyzer measurement results) of non-compliance. If the Commission receives interference complaints containing this evidence, it will require licensees to make their own measurements and take corrective action, if appropriate.

17. Licensees of existing stations who wish to operate pursuant to this presumptive compliance alternative must comply with the NRSC-1 standard by June 30, 1990. Licensees of new AM stations who wish to operate pursuant to this alternative must comply with the NRSC-1 standard upon commencement of operation.

18. The Commission has noted a discrepancy between the audio attenuation required by NRSC-1 and the RF attenuation required by the early version of the NRSC-2 standard contained in the *Notice* in the region 10 kHz-10.133 kHz. The early version of NRSC-2 required an attenuation of 25 dB at 10 kHz, whereas the current specification makes a minor adjustment in the region 10 kHz-10.133 kHz to account for the lesser audio attenuation required by NRSC-1. The Commission believes that the most straightforward way to eliminate ambiguity between the two standards is simply to adjust the initial 25 dB RF attenuation step to begin at a 10.2 kHz offset rather than at 10 kHz as the Commission initially proposed.

This 200 Hz adjustment should not detract from the effectiveness of the NRSC-2 emission limitation and should facilitate measurements. Additionally, the early version of NRSC-2 required 80 dB attenuation for emissions beyond 75 kHz of carrier for all transmitters, rather than taking transmitter power into account as do the Commission's current rules and the current NRSC-2 emission limitation. Therefore, the Commission has also revised the minimum attenuation required beyond 75 kHz to conform to the traditional practice. This is consistent with the current NRSC-2 specifications.

19. Based on the foregoing, the Commission concludes that adoption of the NRSC-2 emission limitation will ensure that current levels of splatter and spurious emissions are reduced. Accordingly, the Commission is adopting the NRSC-2 emission limitations as proposed, with the minor modifications discussed above.

Final Regulatory Flexibility Analysis

I. Reason for Action. This action is intended to alleviate technical shortcomings characteristic of the AM broadcast service to make it more competitive with alternative audio delivery services (principally, the FM radio service).

II. Objectives. The objectives of this proceeding are to adopt a new emission limitation to reduce second and third adjacent channel interference to AM broadcast stations.

III. Legal Basis. The action taken by this Order is authorized by sections 4 (i) and (j), 302, 303 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i), (j), 302, 303, 403.

IV Description, Potential Impact and Number of Small Entities Affected. The action proposed in this proceeding would benefit nearly 5,000 AM broadcast station licensees by reducing second and third adjacent channel interference. The cost of modifying transmitters to comply with the new emission standard may be several hundred dollars per station.

V. Recording, Record Keeping and Other Compliance Requirements. None.

VI. Federal Rules which Overlap, Duplicate or Conflict with this Rule. None.

VII. Any Significant Alternative Minimizing Impact on Small Entities and Consistent with the Stated Objectives. None.

20. Accordingly, it is ordered That effective June 30, 1990, 47 CFR Part 73 is amended As set forth below. This action is taken pursuant to authority contained in sections 4 and 303 of the

Communications Act of 1934, as amended, 47 U.S.C. 154, 303.
Federal Communications Commission.
Donna R. Searcy,
Secretary.

List of Subjects in 47 CFR Part 73

Radio broadcasting, AM broadcast stations.

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

PART 73—[AMENDED]

1. The authority citation for 47 CFR Part 73 continues to read as follows:

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

2. 47 CFR 73.44 is amended by revising paragraphs (a) and (b) and adding paragraph (c) to read as follows:

§ 73.44 AM transmission system emission limitations.

(a) The emissions of stations in the AM service shall be attenuated in accordance with the requirements specified in paragraph (b) of this section. Emissions shall be measured using a properly operated and suitable swept-frequency RF spectrum analyzer using a peak hold duration of 10 minutes, no video filtering, and a 300 Hz resolution bandwidth, except that a wider resolution bandwidth may be employed above 11.5 kHz to detect transient emissions. Alternatively, other specialized receivers or monitors with appropriate characteristics may be used to determine compliance with the provisions of this section, provided that any disputes over measurement accuracy are resolved in favor of measurements obtained by using a calibrated spectrum analyzer adjusted as set forth above.

(b) Emissions 10.2 kHz to 20 kHz removed from the carrier must be attenuated at least 25 dB below the unmodulated carrier level, emissions 20 kHz to 30 kHz removed from the carrier must be attenuated at least 35 dB below the unmodulated carrier level, emissions 30 kHz to 60 kHz removed from the carrier must be attenuated at least [5 + 1 dB/kHz] below the unmodulated carrier level, and emissions between 60 kHz and 75 kHz of the carrier frequency must be attenuated at least 65 dB below the unmodulated carrier level. Emissions removed by more than 75 kHz must be attenuated at least 43 + 10 Log (Power in watts) or 80 dB below the unmodulated carrier level, whichever is the lesser attenuation, except for transmitters having power less than 158

watts, where the attenuation must be at least 65 dB below carrier level.

(e) Licensees of stations complying with the ANSI/EIA-549-1988, NRSC-1 AM Preemphasis/Deemphasis and Broadcast Transmission Bandwidth Specifications (NRSC-1), prior to June 30, 1990 or from the original commencement of operation will, until June 30, 1994, be considered to comply with paragraphs (a) and (b) of this section, absent any reason for the Commission to believe otherwise. Such stations are waived from having to make the periodic measurements required in § 73.1590(a)(6) until June 30, 1994. However, licensees must make measurements to determine compliance with paragraphs (a) and (b) of this section upon receipt of an Official Notice of Violation or a Notice of Apparent Liability alleging noncompliance with those provisions, or upon specific request by the Commission.

[FR Doc. 89-10656 Filed 5-5-89; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 94

[PR Dkt. 87-5, FCC 89-81 495]

Multiple Address System

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Memorandum Opinion and Order (corrected by Erratum DA 89-432), resolving the issues raised in the petitions for reconsideration of the *Report and Order* in PR Docket No. 87-5, 3 FCC Rcd 1564 (1988). In response to petitioners' concerns regarding quality of service, the Commission modified the co-channel separation criteria for Multiple Address System (MAS) master stations. 47 CFR 94.63. Additionally, the definition of "multiple address," 47 CFR 94.3, and the licensing procedure for relocating an existing MAS station if the licensee elects to split the bandwidth of its assigned channel, were clarified. These actions will promote continuing growth of this new service while preserving a judicious balance between spectrum reuse and service quality.

EFFECTIVE DATE: June 19, 1989.

FOR FURTHER INFORMATION CONTACT:

Linda B. Blair, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order in PR

Docket No. 87-5, adopted March 1, 1989 and released March 22, 1989.

The full text of this Commission decision is available for inspection and copying during the normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC 20554. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Washington, DC 20037.

Summary of Order

1. In Docket 87-5, the Commission undertook a comprehensive review of the rules and policies governing 900 MHz MAS operations. In its *Report and Order* the Commission revised several rules governing MAS operations.

2. In the *Order* granting partial stay pending reconsideration in this proceeding, the Commission concluded that petitioners' contention that implementation of the new separation criteria would result in harmful interference to existing licensees warranted further study. *Order*, 3 FCC Rcd 4742 (1988), 53 FR 32901 at ¶ 3 (August 29, 1988) (summary).

3. The Commission has carefully reviewed the record developed herein, with particular attention given to petitioners' concerns regarding quality of service. As a result, the Commission concludes that modification of the separation criteria for MAS master stations is warranted in order to establish a judicious balance between spectrum availability and quality of service.

4. After considering the petitioners' arguments and reassessing the development of the Commission's policies regarding intended use of MAS frequencies, this *Order* refines the scattering requirement for MAS remote stations, and thereby clarifies the definition of "multiple address," operations. 47 CFR 94.3. Finally, the Commission clarifies the licensing procedure for relocating an existing station following a split of the channel, and deferred resolution of MAS grandfathering issues to a later proceeding.

Ordering Clauses

5. Accordingly, pursuant to § 1.106 of the Commission's Rules, 47 CFR 1.106, *It is ordered* the Petitions for Reconsideration in PR Docket 87-5 are *granted* to the extent indicated herein and *denied* in all other respects.

6. *It is further ordered*, That master station co-channel separation criteria set forth in § 94.63 of our Rules, 47 CFR

94.63, are amended as set forth in the Appendix.

7. *It is further ordered*, That the definition of "multiple address" set forth in § 94.3 of our Rules, 47 CFR 94.3, shall be amended as set forth before.

8. *It is further ordered*, That the revised separation criteria and the attendant licensing procedures shall become effective June 19, 1989, *see* § 1.427, 47 CFR 1.427, June 19, 1989. This will allow time for notice by publication of a summary of this Memorandum Opinion and Order in the *Federal Register*. Applications will be processed under the rules in effect at the time they are filed.

9. *It is further ordered*, That the partial stay of the revised rules regarding the aforementioned separation criteria, granted by separate order in this proceeding, 3 FCC Rcd 4742 (1988), is hereby dissolved.

List of Subjects in 47 CFR Part 94

Private microwave systems, Multiple address systems, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

47 CFR Part 94 of the Commissions Rules is amended as follows:

PART 94—[AMENDED]

1. The authority citation for Part 94 continues to read as follows:

Authority: Sections 4, 303, 48 STAT., as amended, 1066, 1082, 47 U.S.C. 154, 303, unless otherwise noted.

2. 47 CFR 94.3 is amended by revising the definition of "Multiple address system (MAS)" to read as follows:

§ 94.3 Definitions.

* * * * *

Multiple address system (MAS). A multiple address radio system is a point-to-multipoint communications system, either one-way or two-way, utilizing frequencies listed in § 94.65(a)(1) and serving a minimum of four remote stations. If a master station is part of the multiple address system, the remote stations must be scattered over the service area in such a way that two or more point-to-point systems would be needed to serve those remotes.

* * * * *

3. 47 CFR 94.63 is amended by revising paragraph (d)(4)(i) to read as follows:

§ 94.63 Interference protection criteria for operational fixed stations.

* * * * *

(d) * * *

(4) * * *

(i) For multiple address stations in the 928-960 MHz band a statement that the proposed system complies with the following co-channel separations from all existing stations and pending applications.

Fixed-to-fixed..... 145 km (90 miles)
Fixed-to-mobile..... 113 km (70 miles)
Mobile-to-mobile..... 81 km (50 miles)

Multiple address systems employing only remote stations shall be treated as mobile for the purposes of determining the appropriate separation. For mobile operation, the mileage is measured from the reference point specified on the license application.

* * * * *

[FR Doc. 89-10655 Filed 5-5-89; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1825

Interim Changes to the NASA FAR Supplement on Domestic Preference; Correction

AGENCY: Office of Procurement, Procurement Policy Division, National Aeronautics and Space Administration (NASA).

ACTION: Interim rule, correction.

SUMMARY: The document published at 54 FR 18112 on Thursday, April 27, 1989, constituted an interim amendment to the NASA Federal Acquisition Regulation Supplement (NFS), but contained two typographical errors which are hereby corrected.

FOR FURTHER INFORMATION CONTACT: W.A. Greene, Chief, Regulations

Development Branch, Office of Procurement, Procurement Policy Division, NASA Headquarters, Washington, DC 20546, Telephone: (202) 453-8923.

S.J. Evans,

Assistant Administrator for Procurement.

PART 1825—[AMENDED]

1. The authority citation for 48 CFR Part 1825 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

1825.7104 [Corrected]

2. In section 1825.7104(b)(2), "\$25,000" is substituted in lieu of "\$35,000" and in section 1825.7104(b)(3), "\$50,000" is substituted in lieu of "\$35,000."

[FR Doc. 89-11025 Filed 5-5-89; 8:45 am]

BILLING CODE 7510-01-M

COHEN, DIPPELL AND EVERIST, P. C.
CONSULTING ENGINEERS

JULIUS COHEN
RALPH E. DIPPELL, JR.
DONALD G. EVERIST
SUDHIR K. KHANNA
WARREN M. POWIS
JOHN R. URAM, JR.
ROBERT W. GUILL

RADIO-TELEVISION
1015 15TH STREET, N. W.
SUITE 703
WASHINGTON, D. C. 20005

TELEPHONE
(202) 783-0111
TELECOPIER
(202) 898-0895

April 26, 1989

Trammell Crow Company
18500 East Gale Avenue
Industry, CA 91748

Attn. Mr. Jeffrey K. Nickell

Re: Review of Proposal for Multiple
Use of KTNQ Transmitter Site

Gentlemen:

Introduction

This letter will report our review of materials prepared by Ogden Prestholdt concerning resolution of potential problems of augmenting the existing KTNQ, 1020 kHz, 50 kW directional antenna transmitting site located at 425 South Sixth Avenue, Industry, California, with an industrial complex. The emphasis of our review is on the potential effects to equipment, tenants, and other personnel who will be located and work within and around the proposed overhead shielded buildings, driveways, docks, and parking areas ("Shielded Zone"), and not on the performance of the KTNQ antenna system.

KTNQ Operation

KTNQ operates with separate directional antenna patterns during daytime and nighttime hours using five towers daytime and four towers nighttime. Buried under the surface of the ground as required by its FCC license, there exists a large number of copper wires which provide an electrical reflecting or counterpoise system which enables efficient transmission of the KTNQ radio signals.

The proposal for the erection of 30 foot high buildings surrounding the towers as depicted in the Heftel Industrial Project drawing plans effectively elevates the present reflecting or counterpoise system to approximately 30 feet above ground level. The overhead ground system will encompass the building roofs and the loading/parkway areas between

COHEN, DIPPELL AND EVERIST, P. C.

Mr. Jeffrey K. Nickell
April 26, 1989
Page 2

buildings. As long as plans for the grounding/shielding details outlined in the plans are correctly implemented, KTNQ station operation will not be influenced by movement within the buildings, driveways, docks, parking areas, which are below the elevated screen areas. Guy anchors should be protected by concrete or steel barriers, and guy wires must receive proper overhead clearances from trucks and other high top vehicles. It is our understanding that Trammell Crow Company has incorporated these design requirements into its proposal.

Basic "Shielded Zone" System

The plans call for well recognized techniques to provide shielding of the KTNQ signals within the proposed site buildings. Energy levels within and surrounding the "Shielded Zone" will be well within the Federal Communications Commission (FCC) standards outlined in Bulletin FCC OST-65 for protection of personnel.

The concept of radio frequency (RF) shielding is not unique and has been used in many situations to significantly reduce RF energy levels within enclosed areas. The only areas in the project where energy levels could potentially exceed OST-65 values is atop the building roof within a maximum of 40 feet of a transmitting tower. A 40 foot radius zone at roof level should be restricted from public access. Experience shows that actual exposure levels are substantially less than FCC predictions. A reduced radius may apply if field tests show that a smaller radius would comply with OST 65 values. Rooftop access to workers should be controlled to insure compliance with the FCC guideline of 100 milliwatts per square centimeter over a six minute period. Higher levels are tolerated for shorter periods of time. There are no reported health hazards attributable to the energy levels that will result within or around the "Shielded Zone" system where personnel will be present.

Electronic Equipment

The Prestholdt report proposes the installation of filtering of all incoming power and telephone lines as they enter the buildings. Additionally these services will enter underground to further shield them from pickup of the KTNQ signals. Based on our experience these two techniques will enable telephones, computers, facsimile machines, word

COHEN, DIPPELL AND EVERIST, P. C.

Mr. Jeffrey K. Nickell
April 26, 1989
Page 3

processors, two-way radio, and other electronic equipment to operate normally within the "Shielded Zone" provided that construction and shielding are built in accordance with Mr. Prestholdt's recommendations in his report entitled, "Multiple Use of the KTNQ Transmitter Site". Many radio stations operate sensitive electronic equipment at premises adjacent to their radio towers. However, we concur with Prestholdt that the location of businesses involving the manufacture or repair of sensitive electronic equipment at this site not be recommended due in part to the sensitive nature of test instruments and "opened-up" non-shielded equipment under test. If necessary, however, additional filtering and screening techniques could resolve this problem.

We are aware of situations where sub-standard telephones and sub-standard circuitry used in proximity to 50 kW radio stations have received interference, and substitution of standard telephone company phones and use of shielded line have resolved the interference. However, the RF energy levels expected within the "Shielded Zone" should allow even substandard telephones and circuitry to operate normally. It is likely that a very high percentage (approximately 99%) of the equipment will be immune to interference. For the remaining percentage (lower grade equipment or electronic test equipment), if residual interference problems exist, well documented techniques of interference resolution can be applied. Recognized techniques include use of proper grounding of electronic and technical equipment via a "star" system to prevent creation of ground loops, additional filtering to individual pieces of equipment and substitution of keyboard to computer/word processor cables with shielded cables.

Other Equipment

Basic electrical and mechanical equipment such as battery chargers, boilers, air compressors, dust collectors, etc. will not be affected.

Volatile Liquids

We are not aware of any problems around radio stations over the past 50 years with volatile liquids such as gasoline and cleaning fluids. Stations have been located in suburban and rural areas where gas has been stored and generators run at the site with no known problems.

COHEN, DIPPELL AND EVERIST, P. C.

Mr. Jeffrey K. Nickell
April 26, 1989
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While this is outside the normal practice of electrical engineering, we understand that any employer using or storing hazardous (including volatile) chemicals in the workplace must develop and maintain comprehensive written hazard communication programs concerning the use, storage, and dangers of the substances; that manufacturers material safety data sheets (MSDS) for such chemicals must be made available to employees; that a person be appointed in charge of the hazardous material program and that a list of any MSDS chemicals at the site be provided to the state emergency response commission, the community emergency planning commission, and the local fire department.

While we are unaware of problems with volatile liquids at radio stations, we recommend that Trammell Crow Company check with appropriate local, state and federal agencies including OSHA and EPA for regulations concerning the storage and handling of hazardous substances, and whether any special conditions pertain to their location in or near broadcast stations.

Conclusion

The multiple use of the Heftel Broadcasting site at Industry California should enable Trammell Crow Company to utilize its buildings without adverse impact from the 50 kW directional operations of KTNQ, provided the shielding and filtering proposals set forth in the plans we have reviewed are correctly followed. Similarly screened areas and rooms have been successfully operated at KNX and at 1YA/1YC/1ZB,1YD, Auckland, New Zealand (screened/standby studio). Other stations have proposed such sharing. The complete property around the WSB, Atlanta, Georgia, 50 kW antenna has been successfully utilized in this manner.

This is to certify that I am a graduate electrical engineer of The University of Canterbury, New Zealand, a Registered Professional Engineer in the District of Columbia, the state of Virginia, and the New Zealand Engineering Registration Board, a Vice-President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio-Television, with offices at 1015 15th Street, N.W., Suite 703, Washington, D.C. 20005; previously employed for 15 years with the New Zealand Broadcasting Corporation; a member of the Institution of Professional Engineers New Zealand

COHEN, DIPPELL AND EVERIST, P. C.

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April 26, 1989
Page 5

(IPENZ), the Association of Federal Communications Consulting Engineers (AFCCE), and the National Society of Professional Engineers (NSPE).

Sincerely,

A handwritten signature in cursive script, reading "Warren M. Powis".

Warren M. Powis
District of Columbia
Professional Engineer
License No. 8339

WMP:mcw
cc: James Evans

1745W
TCC 11

AM

DRAFT

April 25, 1989

(# 4)

Trammell Crow Company
18500 East Gale Avenue
Industry, CA 91748

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Re: Review of Proposal for Multiple
Use of KTNQ Transmitter Site

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Mr. Jeffrey K. Nickell
April 25, 1989
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Mr. Jeffrey K. Nickell
April 25, 1989
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Mr. Jeffrey K. Nickell
April 25, 1989
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Mr. Jeffrey K. Nickell
April 25, 1989
Page 6

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Mr. Jeffrey K. Nickell
April 25, 1989
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Mr. Jeffrey K. Nickell
April 25, 1989
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(IPENZ), the Association of Federal Communications Consulting Engineers (AFCCE), and the National Society of Professional Engineers (NSPE).

Sincerely,

Warren M. Powis
District of Columbia
Professional Engineer
License No. 8339

WMP:mcw
cc: Jim Evans



NEWS

FEDERAL COMMUNICATIONS COMMISSION
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2392

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1975)

Report No. DC-1392

ACTION IN DOCKET CASE

April 12, 1989

FCC ADOPTS TECHNICAL AMENDMENT TO ITS RULES DESIGNED TO IMPROVE THE QUALITY OF AM BROADCAST SERVICE (MM DOCKET 88-376)

As part of its continuing effort to improve the quality of AM broadcast service, the Commission today adopted the National Radio Systems Committee (NRSC) emission limitation known as NRSC-2 as a new AM broadcast standard, beginning June 30, 1990. To facilitate the implementation of this new standard, the Commission also announced that until June 30, 1994, stations adhering to NRSC-1 audio pre-emphasis will be presumed to comply with NRSC-2, in the absence of specific information to the contrary.

Currently, AM stations are permitted to transmit a radio frequency signal with a bandwidth of up to 30 kHz. However, the majority of consumer receivers are designed with a much narrower receiver bandwidth so as to reduce the effects of interference from adjacent channel stations. This severely reduces the audio fidelity of AM radios. In an attempt to overcome this fidelity limitation, many broadcasters pre-emphasize, or "boost", the higher audio frequencies which exacerbates adjacent channel interference.

The NRSC developed two standards designed to reduce adjacent channel interference. They are: the NRSC-1 audio standard which establishes limits on program audio frequency response that will often, but not always, reduce adjacent channel interference; and the NRSC-2 emission limitation, which limits the RF bandwidth of emitted signals that actually cause interference.

Although many commenters urged adoption of the audio processing standard, the Commission concluded that meaningful adjacent channel interference improvements could best be obtained by restricting emissions. The FCC offered the following bases for this conclusion: 1) used alone, the NRSC-1 audio standard will not be effective in alleviating interference produced by overmodulation or transmission system anomalies; 2) the characteristics of the audio response intended to be produced by the NRSC-1 filter can be readily circumvented or abused by adjustments made to other audio processing equipment; and 3) to the extent NRSC-1 specifies a particular pre-emphasis of audio signals below 10 kHz, it restricts the flexibility of licensees in adjusting their audio processing equipment.

Until June 30, 1994, stations employing the NRSC-1 will be presumed to comply with NRSC-2 in the absence of specific information to the contrary and will not be required to make periodic emission measurements as required by FCC rules. However, the presumption of compliance with the emission limits may be rebutted by technical evidence of noncompliance.

(over)

-2-

If the Commission receives interference complaints containing such evidence, it will require licensees to make their own measurements and take appropriate corrective action. Licensees of existing stations who wish to operate pursuant to this presumptive compliance alternative must adhere to the NRSC-1 standard by June 30, 1990. Licensees of new AM stations who wish to operate pursuant to this alternative must comply with the NRSC-1 standard upon commencement of operation.

Action by the Commission April 12, 1989, by Report and Order (FCC 89-118). Commissioners Patrick (Chairman), Quello and Dennis, with Commissioner Dennis issuing a separate statement.

-FCC-

News Media contact: Patricia A. Chew at (202) 632-5050.

Mass Media Bureau contacts: James McNally at (202) 632-9660.

Separate Statement
of
Commissioner Patricia Diaz Dennis

In Re: Amendment of Part 73 of the Commission's Rules to Adopt
a new Emission Limitation.

Thomas Edison once said that the prerequisite for progress is discontent. Nobody is content with current levels of AM interference; as a result, there is a strong consensus for change. Today's decision is a significant step forward in our efforts to reduce AM interference. I hope that AM licensees will move quickly to comply with the new standard, and that receiver manufacturers will get the message and give consumers the option of buying higher-quality AM receivers. More broadly, this item is part of an overall review of our AM technical rules that could lead to major improvements in the technical quality of AM service. Individually, each of these items makes only incremental progress; collectively, they contribute to our long-term goal of reducing the interference that we at the FCC unfortunately helped to create.

certification capabilities (proficiency testing).

2. There has been no prior record of injury involving the spill or leak of an etiologic agent in transportation in over 25 years. There have been at least 100,000 shipments of etiologic agents per year without incident.

3. The proposed ban would increase transportation costs by 10 to 15 times, and reduce or eliminate effective response time for diagnostic purposes as well as adversely affect medical research and education.

4. In practice, the ban would lead to improperly identified and packaged shipments being made thereby increasing the risk to the public and postal employees.

5. Biological warfare agents should be treated as a separate issue from the mailing of well packaged materials which are critical to medical care and public health.

In view of the comments, the Postal Service has revised its proposal so that shipments for medical purposes will continue to be accepted with certain limitations. This revision continues to exclude items relating to biological weapons and other non-health-related materials from the mail. The new proposal would also limit the amount of etiologic agents to 50 milliliters (1.666 fluid ounces) per parcel, and would require a third container (an outer shipping container) in addition to the presently required primary and secondary containers. The small quantity of etiologic agents and the extra packaging is expected to further reduce the likelihood and gravity of any leakage of these materials. In addition, under the proposal a parcel required to bear an Etiologic Agents/Biomedical Material label must be sent by First-Class Mail, priority mail, or Express Mail. This requirement will reduce the number of handlings by postal employees and move the material through the system expeditiously. In addition to being more specific in the definitions of diagnostic specimens and biological products, the Postal Service proposes to adopt the term "clinical specimens" in place of "diagnostic specimens," since that is the term favored by the Centers for Disease Control.

With these changes, the regulation will help to minimize the possibility of injury to postal employees or others from shipments of etiologic material through the mail, without impinging unnecessarily on the ability of the medical community to conduct important research and testing.

Although exempt from the notice and comment requirements of the

Administrative Procedure Act (5 U.S.C. 553(b),(c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service again invites public comments on the following proposed amendments of Part 124 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations, See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C., 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. Amend 124.38 of the Domestic Mail Manual to read as follows:

PART 124 NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

* * * * *

124.3 Hazardous Matter

* * * * *

124.38 Etiologic Agents, Clinical Specimens & Biological Products

124.381 General. Etiologic agents, etiologic agent preparations, clinical specimens and biological products are nonmailable, except when their intended use is for medical use, research or laboratory certification related to public health, and when it is determined that such items are properly prepared for mailing to withstand shocks, pressure changes, and other conditions incident to ordinary handling in transit.

124.382 Definitions. a. Etiologic agent means a microbiological agent or its toxin that causes, or may cause, human or animal disease.

b. Etiologic agent preparation means a culture or suspension of an etiologic agent and includes purified or partially purified spores or toxins that are themselves etiologic agents.

d. Clinical specimen means any human or animal material including, but not limited to, excreta, secretions, blood and its components, tissue, and tissue fluids.

e. Biological product means a biological product which must be prepared and manufactured in accordance with the provisions of 9 CFR Parts 102-104 and 21 CFR Parts 312 and 600-680, in order to be shipped in interstate commerce.

124.383 Packaging. a. Etiologic Agents and Etiologic Agent Preparations. (1) Etiologic agents and etiologic agent

preparations must be prepared to conform to 42 CFR, Part 72, must meet the packaging requirements of 49 CFR 173.387(b), and must not exceed 50 milliliters (ml) (1.666 fluid ounces) per outside package. Sufficient outage must be provided so that the primary container will not be liquid full at 130° F (55° C).

(2) The material must be packaged in a securely sealed and watertight primary container (test tube, vial, etc.) enclosed in a second sealed and watertight durable container (secondary container). Several primary containers may be enclosed in a single secondary container if the total liquid volume of all the enclosed primary containers does not exceed 50 ml.

(3) The space at the top, bottom, and sides between the primary and secondary containers must contain sufficient absorbent cushioning material to absorb the entire contents in case of breakage or leakage.

(4) Each set of the primary and secondary containers must be enclosed in an outer shipping container constructed of fiberboard or material of equivalent strength. In addition to complying with the requirements of 42 CFR Part 72, each package containing an etiologic agent or etiologic agent preparation must be designed and constructed so that, if it were subject to the environmental and test conditions prescribed in 49 CFR 173.387, there would be no release of the contents to the environment, and no significant reduction in the effectiveness of the packaging.

(5) To expedite delivery and reduce handling, a parcel containing material required by 42 CFR Part 72 to bear an Etiologic Agents/Biomedical Material label must be sent by First-Class Mail, priority mail, or Express Mail.

b. Clinical Specimens and Biological Products. (1) Clinical specimens which are not reasonably believed to contain an etiologic agent, such as urine and blood specimens used in drug testing programs or for insurance purposes, and biological products that contain or may contain etiologic agents, such as polio vaccine, must be packaged as specified in 124.383a(2)-(4).

(2) Single primary containers must not contain more than 1,000 ml (1 quart) of material. Two or more primary containers whose combined volumes do not exceed 1,000 ml may be placed in a single secondary container.

(3) The maximum amount of clinical specimens which may be enclosed in a single outer shipping container must not exceed 4,000 ml (4 quarts).

124.384 Medical Waste & Unsterilized Containers. Medical waste and unsterilized containers or devices are subject to the same conditions that apply to the material with which they were associated, e.g., a used hypodermic needle or an unsterilized device used in a surgical procedure which is being returned to a manufacturer because it malfunctioned.

124.385 Improperly Prepared, Damaged Mailings. Refuse nonmailable materials in accordance with 124.126. Report improperly prepared packages or damaged mailings in accordance with 124.127 and 124.128.

124.386 Marking & Labeling. a. When applicable, the outer containers must have required labels affixed, e.g., the Etiologic Agents/Biomedical Material label required by 42 CFR Part 72 and the infectious substances label as required by 137.3 of the International Mail Manual.

b. The outside container of clinical specimens and biological products must be marked to identify the contents, e.g., Clinical Urine Specimen.

c. Generally, all outside containers containing more than 5 pounds of dry ice (carbon dioxide solid) that are eligible for air transportation must have a shipper's declaration for dangerous goods attached in triplicate. See 124.24 and 124.392. (Upon fulfillment of the conditions in 124.386c(1)-(3) below, the marking "ORM-A UN 1845 Carbon Dioxide Solid" or "Dry Ice" is not required. See 49 CFR 173.615 and 175.10(a)(13)). However, a shipper's declaration for dry ice is not required provided that:

(1) The weight of the dry ice in the package does not exceed 5 pounds and the net weight of the dry ice is marked on the package;

(2) The dry ice is a refrigerant for a material being used for diagnostic or treatment purposes, e.g., Frozen Medical Specimens, and the material is so marked on the package; and

(3) The Package is marked "Carbon Dioxide Solid" or "Dry Ice".

Note: Packages containing dry ice must be designed and constructed to permit the release of carbon dioxide gas to prevent a build-up of pressure that could rupture the packaging.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 89-6884 Filed 3-22-89; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-46; FCC 89-71]

Policies To Encourage Interference Reduction Between AM Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On its own motion the FCC has initiated this action inviting comments upon a proposal to amend certain of its processing rules and practices to facilitate interference reduction efforts by AM licensees.

DATES: Comments must be filed on or before May 8, 1989, and reply comments on or before May 23, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Diane L. Hofbauer, Policy and Rules Division, Mass Media Bureau, (202) 254-3394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making* in MM Docket No. 89-46, adopted February 22, 1989, and released March 17, 1989.

The full text of this Commission 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 *Notice of Proposed Rule Making* may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making ("NPRM")

1. As part of its continuing efforts to improve the AM broadcast service, the Commission issued this *NPRM* to solicit comment upon proposed changes to its processing rules and practices that could encourage AM licensees to engage in interference reduction efforts.

2. The *NPRM* includes a lengthy discussion of the evolution of the Commission's technical interference criteria for AM stations, as well as changes in the broadcast marketplace that suggest the need for improvements in AM service. The *NPRM* notes that the Commission has recently undertaken several other rule making proceedings to evaluate specific technical regulations governing AM stations, and the proposals contained in the instant proceeding are designed to enhance the

benefits that may be derived from those proceedings.

3. In this *NPRM* the Commission proposes certain changes to its Rules and procedures to encourage AM licensees to institute changes to reduce the amount of interference which has accrued under the current technical rules. The Commission limits its proposal to permitting those activities between licensees that would *reduce* interference to one or more stations.

4. Many AM stations have voluntarily accepted interference within the nominal contours specified in the Commission's Rules. The Commission granted applications involving such higher levels of interference so long as the applicant demonstrated that it would be able to provide the minimum requisite service to its community of license. The station's original decision to accept this level of interference was based upon the circumstances then in effect. The *NPRM* suggests that it may be beneficial to allow some flexibility in the application of the Commission's interference standards to allow licensees to adjust to changes in demographics as well as to changes in the broadcast market. This would permit AM licensees to improve service by reducing interference, and, where feasible, allowing stations to provide stronger signals to interstation areas that may need improved service.

5. Therefore, the Commission proposes to permit an AM licensee to reduce the area encompassed by its protected contour for the benefit of reducing interference to another station or otherwise permitting an overall improvement in interference-free service. Licensees reducing their coverage will still be required, however, to meet the city coverage requirements as set forth in § 73.24 of the Commission's rules. Thus, daytime operation must maintain daytime city coverage requirements, and nighttime operations from AM stations other than Class II-S or Class III-S stations must meet nighttime city coverage requirements.

6. Many changes in facilities are already permitted under current rules. These include reducing power, altering antenna configuration, reducing tower height, or changing antenna sites. The licensee is required to notify the Commission of, and seek approval for, any such changes. Thus, under current rules, nothing prevents licensees from working cooperatively to reduce interference, nor do the Rules prohibit payment of costs or additional consideration by any licensee in return for such "cooperative" changes.

Furthermore, licensees are not required to inform the Commission of any such arrangements—the licensee is required only to seek approval of the actual changes proposed. Requests for approval of the types of changes discussed above are treated as minor change applications. See 47 CFR 73.3571. Even significant reductions in power are currently treated as minor changes, provided that the licensee continues to provide the minimum level of service to its community of license as required by the Commission's rules.

7. Furthermore, under current Rules, a licensee may even surrender its license for the benefit of reducing interference to another licensee. This could result in overall improved service to the public from the stations remaining on the air because interference from the former station would be eliminated completely. While this could result in a marginal reduction in the number of AM stations received in a particular area, reducing interference in the congested AM band can lead to improved reception and better overall AM service to the public.

8. When a station surrenders its license, however, it is not deleted immediately from the Commission's records. The Commission's current practice is to grandfather the radiation and protection rights off stations that have gone off the air for various reasons by maintaining those rights for a period of one year while accepting applications for a "replacement" station. Adherence to this practice of grandfathering radiation and protection rights of former AM stations, however, sometimes places the Commission in the position of perpetuating AM stations that do not meet current interference criteria. It is the Commission's intention to discontinue the practice of grandfathering radiation and protection rights in this manner in the future.

9. The Commission's objective of improving the AM service by reducing interference between stations will be furthered by deleting stations that have surrendered their licenses from the Commission records. Thus, new proposals filed subsequent to a deletion will not be permitted to cause prohibited overlap of daytime contours of the remaining stations, and nighttime proposals will be examined based upon the recalculated interference reference ("RSS") values for the AM stations remaining on the air. See 47 CFR 73.182. Comment is sought upon this proposal. Furthermore, to preserve its options in this regard, the Commission states that it will not accept applications from parties seeking to replace or otherwise utilize the former radiation and

protection rights of any station that surrenders its license during the pendency of this rule making proceeding.

10. The Commission also proposes to accept contingent applications—that is, one or more applications seeking license modifications contingent upon Commission approval of another licensee's request for license modifications—filed to effectuate interference reduction efforts. The Commission has traditionally refused to accept contingent applications because such applications are speculative and unduly impede the introduction of new and modified service by other parties. The *NPRM* proposes to amend the Rules to allow the Commission to accept routinely a particular category of contingent applications where the proposed changes will result in interference reduction or otherwise permit an improvement in interference-free service. In this manner, licensees can endeavor to improve overall service by coordinating station modifications and having their coordinated efforts reviewed by the Commission simultaneously when determining whether to grant the proposed modifications.

11. The Commission notes that it does not expect a widespread occurrence of the use of contingent applications. Given the nature of the AM service, while there may be numerous situations presenting opportunities to reduce interference, the FCC foresees comparatively few instances in which a licensee participating in an interference reduction arrangement could increase its power as a result of another licensee's efforts to reduce interference. The *NPRM* does not propose to allow any increased interference to any AM station's protected contour. Thus, while limited opportunities for power increases by an AM licensee may arise if another station reduces power or directionalizes, the Commission expects that the largest number of opportunities for power increases—and thus the incentive to file a contingent application—will arise in cases where a licensee surrenders its license altogether.

12. Because of the point-to-point methodology used to calculate RSS values pertaining to nighttime interference, the Commission anticipates very few opportunities for power increases at night even in the event a station were to go off the air. Upon deletion of the station, the nighttime RSS limits for the AM stations remaining on the air would be recalculated. Subsequently, all stations,

including those participating in any contingent arrangements, will be required to comply with the recalculated RSS values.

13. In addition, under current procedures, there appear to be few instances where two or more licensees could reach an interference reduction arrangement because a third party not participating in such efforts might prevail as a competing applicant. Because applications proposing increases in power are currently treated as major changes, they are subject both to the public notice and comment procedures of § 73.3580 of the Rules, and to competing mutually exclusive applications and petitions to deny. However, the possibility of competing applications may well prevent licensees from participating in the arrangements necessary to create opportunities for improved service. While the public could realize significant benefits from arrangements whereby one station reduces power, thereby reducing interference to a number of AM stations and, in limited circumstances, allowing another station to increase its power to better serve its audience, there is no incentive for such arrangements under our current procedures because the latter station will face potential competing applications when it seeks a power increase.

14. Therefore, the Commission proposes that if two or more licensees submit contingent applications to implement interference reduction arrangements, any applicant(s) seeking power increases or other modifications that depend upon the contingency as part of the interference reduction arrangement will not be subject to competing applications from third parties with respect to the opportunities created by the contingent arrangements. Such applications will, however, remain subject to the public notice requirements. In this regard, the Commission proposes to amend § 73.3517, which restricts the Commission's acceptance of contingent applications, and § 73.3571, which governs the processing of AM applications, as specified below. In addition, the Commission proposes to amend § 73.1750 to require a licensee that is surrendering its license pursuant to an interference reduction arrangement contingent upon another licensee's application for modification of facilities, to file a notice of intent to surrender, specifying the contingency, as set forth below. Comment is sought upon the proposed amendments.

15. Under the changes proposed above, the Commission would not

examine third party proposals filed after the contingent applications by other parties that would not protect the currently authorized facilities of the contingent applicants, because to do so would interfere with the operation of the AM marketplace without compensating benefits to the public. Rather, the Commission proposes to review the terms and conditions of specific contingent applications for construction permits for facility modifications to determine whether grant of the contingent applications is in the public interest. To the extent that any of the contingent applications proposes a major change as defined in its Rules, the public will have the full opportunity to comment. While the Commission will consider objections to the proposed modifications raised by any comments, whether or not some alternative license modification proffered by a third party would confer greater public benefits will not be considered in the contingent application process. The Commission's determination of whether to grant the contingent applications will be based solely upon the issue of whether the public interest benefits to be gained by the proposals justify the requested modifications.

16. The changes to Commission Rules and practices outlined above could provide important opportunities for licensees to obtain reductions in current interference levels, provide for more uniform coverage, and generally improve the quality of AM service. Such changes, however, carry with them certain implications with respect to the provision of local service. Thus, the Commission believes that it may be desirable to develop a mechanism for ensuring that modifications do not result in a loss of local service that would be detrimental to the public interest. Therefore, it proposes to establish a "service floor"—a level of service that must be maintained subsequent to any changes in facilities.

17. The Commission seeks comment upon the appropriate parameters of such a service floor. For example, it seeks comment upon whether the service floor should be defined solely in terms of reception of services (i.e., the number of stations a listener can still receive), or whether the Commission should also consider transmission service (i.e., the number of other stations licensed to a community losing a local station). The *NPRM* notes that the Commission has traditionally been most concerned with first and second full-time aural services. An appropriate floor may be established in the form of a requirement that licensees not create any new "white" or

"grey" service areas. Or, some other limitation may be more appropriate, such as prohibiting licensees from eliminating any third or fourth service. The Commission also seeks comment upon whether other services such as commercial FM services should be taken into account when determining whether the services available to a community meet the service floor.

18. A licensee seeking to reduce its service area would file an application with the Commission for a construction permit to modify its facilities. This application may be filed alone, or in conjunction with one or more other contingent applications. In any case, such an application could include a certification by the applicant(s) that the level of service provided to the area(s) that may experience reduced service would not fall below the service floor described above. Alternatively, the applicant could be required to include an exhibit consisting of contour maps documenting that the requisite number of signals would continue to be available to the areas affected by the interference reduction. Applications meeting this test and that are otherwise acceptable would be granted.

19. In all other respects, applications for modifications to facilities, whether single or contingent, will be processed in the usual manner at the Commission. Once an application for modification of facilities for one or more licensees has been granted, the information used to calculate the interference protection ratios for the affected stations is automatically modified in the Commission's records to reflect the changes in facilities. Any future applicants for new or modified services will be required to protect the remaining stations to the recalculated interference protection level. Thus, the increased protection derived from any interference reduction will automatically be enforced by application of the Commission's current procedures.

Comments

20. Pursuant to applicable procedures set forth in § 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before May 8, 1989, and reply comments on or before May 23, 1989. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

Non-restricted Rule Making

21. This is a non-restricted notice and comment rule making proceeding. See § 1.1231 of the Commission's Rules, 47

CFR 1.1231, for rules governing permissible *ex parte* contacts.

Initial Regulatory Flexibility Analysis

22. With reference to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, the proposed rule will, if promulgated, have a beneficial impact upon AM broadcast stations due to the anticipated reduction in the overall level of interference in the AM service. Public comment is requested on the initial regulatory flexibility analysis set out in full in the Commission's complete *Notice of Proposed Rule Making*.

23. The Secretary of the Commission is directed to send a copy of the *Notice of Proposed Rule Making* in this proceeding to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Paperwork Reduction Act Statement

24. The proposed rule changes have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain new or modified form, information, collection and/or record keeping, labeling, disclosure, or record retention requirements. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

25. Authority for the rule changes upon which comments are invited is contained in sections 4(i), 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, and 307.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Part 73 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 73—[AMENDED]

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

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

27. It is proposed to amend § 73.1750 to add the following language at the end:

§ 73.1750 Discontinuance of operation.

* * * If a licensee surrenders its license pursuant to an interference reduction arrangement, and its surrender is contingent upon the grant of another application, the licensee surrendering its license must identify in

its notification the contingencies involved.

28. It is proposed to amend § 73.3517 by adding new paragraph (c) to read as follows:

§ 73.3517 Contingent applications.

(c) Upon payment of the filing fees prescribed in § 1.1111 of this chapter, the Commission will accept two or more applications filed by existing AM licensees for modification of facilities that are contingent upon each other, if granting such contingent applications will reduce interference to one or more AM stations or will otherwise improve interference-free service. The applications must state that they are filed pursuant to an interference reduction arrangement and must cross-reference the other contingent applications.

29. It is proposed to amend § 73.3571 by adding new paragraph (c)(1) to read as follows, and to add and reserve (c)(2):

§ 73.3571 Processing of AM broadcast station applications.

(c) * * *

(1) In order to grant major change applications made contingent upon the grant of another licensee's request for a facility modification, the Commission will not consider mutually exclusive applications by other parties that would not protect the currently authorized facilities of the contingent applicants. Such major change applications remain, however, subject to the provisions of §§ 73.3580 and 1.1111. The Commission shall grant contingent requests for construction permits for station modifications only upon finding that such action will promote the public interest, convenience and necessity.

(2) [Reserved]

[FR Doc. 89-6824 Filed 3-22-89; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

Conferring Designated Port Status on Portland, OR

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to confer designated port status on Portland, Oregon, pursuant to section 9(f) of the Endangered Species

Act of 1973. Designated port status would allow the direct importation and exportation of fish and wildlife, including parts and products, through Portland, Oregon, a growing international port. Under this proposed rule, 50 CFR 14.12 would be amended to add Portland, Oregon, to the list of Customs ports of entry designated for the importation and exportation of wildlife. A public hearing on this proposal will be held on April 17, 1989, in the Regional Office of the Fish and Wildlife Service, Portland, Oregon.

DATES: Comments must be submitted on or before April 24, 1989.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, DC 20038-8006. Prior to April 17, 1989, comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, Room 300, Hamilton Building, 1375 K Street NW., Washington, DC, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. After April 17, 1989, comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, 5th Floor, Arlington Square Building, 4401 North Fairfax Street, Arlington, Virginia, between the hours of 8:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Special Agent Michael Sutton at the above address ((202) 343-9242 or FTS 343-9242), or Special Agent David L. McMullen, Assistant Regional Director, U.S. Fish and Wildlife Service, 847 NE, 19th Avenue, Suite 225, Portland, Oregon 97232 ((503) 231-6125 or FTS 429-6125).

SUPPLEMENTARY INFORMATION.

Background

Designated ports are the cornerstones of the process by which the Fish and Wildlife Service regulates the importation and exportation of wildlife in the United States. With limited exceptions, all fish or wildlife must be imported and exported through such ports as required by section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f). The Secretary of the Interior is responsible for designating these ports by regulation, with the approval of the Secretary of the Treasury after notice and the opportunity for public hearing.

On January 4, 1974, the Service promulgated final rules designating eight Customs ports of entry for the importation and exportation of wildlife (39 FR 1158). A ninth port was added on September 1, 1981, when final rules were

published naming Dallas/Fort Worth, Texas, a designated port (46 FR 43834).

Need for Proposed Rulemaking

Containerized air and ocean cargo has become the paramount means by which both live wildlife and wildlife products are transported into and out of the United States. The use of containerized cargo by the airline and shipping industries has compounded the problems encountered by the Service and by wildlife importers and exporters in the Portland area. In many instances, foreign suppliers will containerize entire shipments and route them directly to Portland. If, upon arrival, the shipment contains any wildlife, those items must be shipped under Customs bond to a designated port for clearance. In most cases, this has involved shipping wildlife products to Seattle, Washington, the nearest designated port, but reshipment has been both time consuming and expensive. To alleviate this problem, Portland area importers and exporters have attempted to direct entire shipments, even though they contain only a small number of wildlife items, to a designated port prior to their arrival at Portland. This method of shipment meets the current regulatory requirements of the Service; however, it is again time consuming and entails additional expense. It is also counter to the increasing tendency of foreign suppliers to ship consignments directly to regional ports such as Portland. In addition, time is a key element when transporting live wildlife and perishable wildlife products. Without designated port status, businesses in Portland cannot import and export wildlife products directly, and consequently may be unable to compete economically with merchants in other international trading centers located in designated ports.

With airborne and maritime shipments into and out of Portland steadily increasing, the Service has concluded that the port should be designated for wildlife imports and exports. Conferring this status on Portland would serve not only the interests of businesses in the region, but would also facilitate the mission of the Service in two ways. First, clearance of wildlife shipments in Portland would relieve inspectors at the port of Seattle, who are now handling cargo for both ports. Second, with the development of the Service's National Wildlife Forensics Laboratory in Ashland, Oregon, shipments of wildlife products into and out of Oregon are expected to increase dramatically as the laboratory becomes operational and begins to

handle evidence from a variety of sources.

Notice of Public Hearing

Section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f)(1), requires that the public be given an opportunity to comment at a public hearing prior to the Secretary of the Interior conferring designated port status on any port.

Accordingly, the Service has scheduled a public hearing for April 17, 1989, from 9:00 a.m. to 12:00 Noon. The hearing will be held in the Regional Office, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, 16th Floor, Portland, Oregon. All interested persons wishing to present oral or written testimony at this hearing must advise the Service in writing by April 14, 1989. All such requests must be submitted in writing to: Assistant Regional Director, U.S. Fish and Wildlife Service, 847 NE. 19th Avenue, Suite 225, Portland, Oregon 97232. Two (2) copies of the testimony should be submitted with each request.

Note.—The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this proposed rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The only effect of this rule will be to make it easier for businesses to import and export wildlife directly through Portland, Oregon. This proposed rule does not contain any information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* These proposed changes in the regulations in Part 14 are regulatory and enforcement actions which are covered by a categorical exclusion from National Environmental Policy Act procedures under 516 DM 6, Appendix 1, sections 1.4(A)(1) and 1.5.

Author

The primary author of this proposed rule is Special Agent Michael Sutton, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, DC.

List of Subjects in 50 CFR Part 14

Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, Title 50, Chapter I, Subchapter B of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

1. The authority citation for Part 14 is revised to read as follows:

Authority: 18 U.S.C. 42; 16 U.S.C. 337–3378; 16 U.S.C. 1538(d)–(f), 1540(f); 16 U.S.C. 1382; 16 U.S.C. 704, 712; 31 U.S.C. 483(a); 16 U.S.C. 4223–4244, unless otherwise noted.

2. Section 14.12(h) is amended by removing the word "and".

3. Section 14.12(i) is amended by removing the period and adding the word "and" preceded by a semicolon.

4. Section 14.12 is amended by adding the following new paragraph (j):

§ 14.12 Designated Ports.

* * * * *

(j) Portland, Oregon.

Date: February 14, 1989.

Becky Norton Dunlop,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 89–6865 Filed 3–22–89; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 90111–9042]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NOAA issues this proposed rule to implement one measure of Amendment 9 (amendment) to the "Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California Commencing in 1978" (FMP). This measure would authorize inseason reporting requirements for commercial salmon fishermen to provide timely accounting of catches from any regulatory area subject to quota management. The proposed rule to implement the other measures of Amendment 9 has been published separately. The purpose of the reporting requirement is to better ensure accurate assessment of catches relative to attainment of salmon quotas during the fishing season.

DATE: Comments on the inseason reporting requirement measure of the amendment and on this proposed rule must be received by April 5, 1989.

ADDRESSES: Comments should be sent to Rolland A. Schmitt, Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or E. Charles Fullerton, Director, Southwest Region, NMFS, 300 S. Ferry Street, Terminal Island, CA 90731–7415. Copies of the amendment, including the environmental assessment and the regulatory impact review/initial regulatory flexibility analysis, are available from the Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW First Avenue, Portland, OR 97201–5344.

FOR FURTHER INFORMATION CONTACT:

William L. Robinson (Northwest Region, NMFS), 206–526–6140, Rodney R. McInnis (Southwest Region, NMFS), 213–514–6199, or Lawrence D. Six (Pacific Fishery Management Council), 503–326–6352.

SUPPLEMENTARY INFORMATION:

Background

Under the Magnuson Fishery Conservation and Management Act (Magnuson Act), the FMP was prepared by the Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) on March 2, 1978. Since then, the FMP has been amended eight times, with implementing regulations codified at 50 CFR Part 661. From 1979 to 1983, the FMP was amended annually. In 1984, a framework amendment to the FMP was implemented which provided a mechanism for making preseason and inseason adjustments in the regulations without annual FMP amendments (49 FR 43679, October 31, 1984). Amendments to the framework FMP were also implemented in 1987 and 1988.

Development of Amendment 9 began in September 1987 when a "scoping session" was held by the Council. Subsequent Council discussions identified six issues requiring further analyses and possible modifications to the FMP. A draft amendment was prepared and distributed to interested persons for review on October 14, 1988. Comments were invited, and five public hearings were held on November 2 and 3, 1988 (53 FR 41222, October 20, 1988).

After considering the comments received on the draft amendment at public hearings and Council meetings, and from its Salmon Technical Team, Salmon Advisory Subpanel, Scientific and Statistical Committee, and Enforcement Consultants, the Council made its final selection of preferred alternatives for the amendment at its November 16–18, 1988, meeting in Portland, Oregon. The Council selected

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 87-131

In the Matter of

Unlimited Time Operation by Existing
AM Daytime-Only Radio Broadcast
Stations; Discontinuance of
Authorization of Additional
Daytime Only Stations; Minimum
Power of Class III Stations

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: January 18, 1989; Released: February 22, 1989

By the Commission: Commissioner Dennis concurring
and issuing a separate statement.

1. Before the Commission is a Petition for Reconsideration filed by Newsic, Inc. (Newsic), licensee of daytime-only station WRWH(AM), Cleveland, Georgia, seeking clarification of the *Report and Order* in this proceeding.¹ Specifically, Newsic requests explicit clarification that former regional channel daytime-only stations which, as a result of this proceeding, received nighttime authorizations at a power level below 250 watts will remain eligible, if they meet other established criteria, for the special comparative credit granted in Docket 84-231 to former AM daytimers competing in comparative hearings for new FM allotments. Newsic observes that, although the *Report and Order* makes passing reference to the daytimers' preference, it does not state that the preference is available to operators of former daytime-only stations who are presently operating on regional channels on a full-time basis with less than 250 watts nighttime power. Newsic submits that a clarification is needed to remove doubt about the eligibility of these operators for the preference and to enable them to assess correctly their comparative ranking vis-a-vis other applicants. Newsic contends that a clarification recognizing the eligibility for the preference of former regional channel daytimers now operating at night with less than 250 watts power would be consistent with the Commission's decision in Docket 84-231 to make the preference available to former daytimers operating on foreign clear channels at night with less than 250 watts power.²

BACKGROUND

2. To place Newsic's Petition in perspective, we review the rule making proceedings relevant to the issue which it raises. Our adoption in Docket 84-231 of the daytimers' preference³ was the culmination of a process initiated by the National Telecommunications and Information Administration which submitted in 1981 a Petition for Rule

AM Permit #14
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Making suggesting that we seek ways to aid daytime-only licensees. In 1982, the Commission issued a *Notice of Inquiry and Notice of Proposed Rule Making* (NOI/NPRM) which considered a broad range of problems faced by daytime-only AM licensees and which included a proposal to grant a comparative preference to these licensees.⁴ Subsequently, in this proceeding, we issued a *Notice of Proposed Rule Making* (NPRM) which, inter alia, solicited proposals designed to aid daytime-only AM licensees in obtaining FM broadcast stations in their community of license.⁵ That NPRM expressed concern about the limitations of daytime-only operations, noted that many daytime-only licensees had long histories of outstanding service to their communities of license, and requested specific comments on the type of aid that could be provided to daytime-only licensees in the comparative process. Based on our own assessment of AM daytimers' problems and upon the broad range of comments received in response to the NPRM, we found substantial grounds for adopting the preference. Specifically, we recognized that AM daytimers had been burdened with the restriction of sunrise-to-sunset operation that deprived their audiences of night-time service and licensees of nighttime revenue. We found that the operation of a daytime-only station, despite technical limitations, provided a strong indication that, if given an opportunity, a daytimer licensee would operate an FM station in the same community in a manner that would further the public interest. We also determined that, by conferring a benefit upon daytimers in the form of the preference, we would thereby recognize their efforts as operators of limited facilities. We believed that such recognition would serve to encourage licensees operating in other services with technical limitations on the quality of their service to maximize provision of service to the public.⁶ Our action adopting the daytimer preference and eligibility criteria for the preference did not distinguish between daytimers based on the types of channels on which they operate.

3. Subsequently, in Docket No. 84-281,⁷ we recognized that new international agreements had eliminated restrictions on the nighttime use of certain foreign clear channels. Accordingly, we authorized nighttime operation for AM stations previously operating on a daytime-only basis on these channels. We determined that it would be appropriate to confer secondary status on the nighttime signal of any station with a newly authorized nighttime signal of less than 250 watts power.⁸

4. The question then arose, in petitions for reconsideration of our action in Docket 84-231, whether a station utilizing a nighttime authorization granted in Docket 84-281 would be ineligible for the daytimer preference because it was no longer a daytime-only station. We determined that because nighttime authorizations of less than 250 watts are given secondary status, licensees with such authorizations should be treated as daytime-only licensees. We concluded, therefore, that former daytime-only licensees operating on foreign clear channels who received nighttime authorizations of less than 250 watts as a result of Docket 84-281 should be treated as daytime-only stations for purposes of establishing eligibility for the daytimer preference.⁹

5. We next issued a Notice of Proposed Rule Making in this proceeding.¹⁰ The basic proposal was to permit eligible daytime-only AM stations to operate at night on regional channels with a power of up to 500 watts, re-

duced as necessary to avoid interference to existing domestic stations, facilities for which applications for new or modified stations were filed before the effective date of the new rules, and foreign stations. In this connection, we continued to distinguish between classes of stations that were authorized to operate at night with 250 watts or more power and those whose nighttime authorizations limited them to less than 250 watts power. Accordingly, we established two Classes of regional stations, *i.e.* a Class III station which is required to operate with a minimum of 250 watts nighttime power and whose signal has primary-service status, and a Class III-S station which is required to operate with less than 250 watts nighttime power and whose nighttime signal is given secondary status. Finally, the Commission decided to discontinue authorization of new daytime-only AM stations. We made no proposals concerning the daytimers' preference. In the *Report and Order* in this proceeding, we authorized nighttime operations for daytimers operating on regional channels and on two clear channels, 940 kHz and 1550 kHz. Again, for technical reasons, we classified nighttime operations with less than 250 watts power on these channels as a secondary service.

DISCUSSION

6. Newsic's Petition will be dismissed as a petition for reconsideration. At the outset, we note that Newsic's Petition is directed at a matter--the applicability of the daytimer preference to licensees which operate at night at less than 250 watts on regional channels--which goes beyond the original scope of this proceeding, and that, ordinarily, we would not consider it in the context of this proceeding. However, we shall treat the petition for reconsideration as a request for a declaratory ruling in order to remove this uncertainty.¹¹

7. As indicated above, we adopted the daytimer preference in 1985 as part of our actions in Docket 84-231. In adopting this preference, however, we did not condition its availability on the type of channel on which a licensee operated. Our subsequent action in Docket 84-231 made clear that a former daytimer who received nighttime authorization to operate with less than 250 watts power on any of the foreign clear channels would still be considered to be a daytime-only licensee for purposes of determining eligibility for the daytimer preference. At the time when that decision was made, however, no daytimers had been authorized by the Commission to operate at night on any type of channel other than foreign clear channels. Thus the issue of other types of channels did not arise. We now take the opportunity to clarify our decision in Docket 84-231 to make the preference available to all former daytimers operating with secondary-service nighttime authorizations. We have consistently conferred secondary status upon Class II and Class III nighttime authorizations of less than 250 watts, *i.e.* upon Class II-S and Class III-S stations. Accordingly, former daytimers operating at night with an authorization of less than 250 watts power and which do not produce an effective field strength of 141 mV/m or greater at one kilometer will be considered daytime-only licensees for purposes of determining eligibility for the daytimer preference, regardless of the channel on which they operate.

8. Accordingly, IT IS ORDERED, that the Petition for Reconsideration filed by Newsic, Inc., IS GRANTED to the extent indicated as a Petition for Declaratory Ruling and is otherwise DENIED.

9. And, IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy
Secretary

FOOTNOTES

¹ 2 FCC Rcd 7113 (1987).

² See *Memorandum Opinion and Order* in MM Docket 84-231, 59 RR 2d 1221, n.27 (1986), *aff'd* 2 FCC Rcd 481 (1987). We note that the figure of 250 watts power utilized in Docket 84-231 assumed a station operating at minimum efficiency, prescribed in Section 73.189(b)(2)(ii) of the Commission's rules, such that the station produces an effective field strength of 141 mV/m at a distance of 1 kilometer from its transmitter site. Recognizing that stations operating with greater efficiency than that specified in the Rules can produce an effective field strength of 141 mV/m at one kilometer with less than 250 watts of power, such stations that received sufficient power to produce at least 141 mV/m at one kilometer were considered to be equivalent to a station operating with 250 watts or more. For ease of reference, we will utilize the figure of 250 watts power in this *Memorandum Opinion and Order* to denote 250 watts power at minimum efficiency or its effective field strength equivalent.

³ See *Second Report and Order* in MM Docket 84-231, 101 FCC 2d 638 (1985).

⁴ See BC Docket No. 82-538, 47 Fed. Reg. 38937 (September 3, 1982). While the NOI/NPRM was pending, the Commission began the first steps toward implementation of Docket 80-90. In that Docket, the Commission proposed that many of the new FM allotments be placed in communities presently served exclusively by daytime-only licensees.

⁵ See 49 Fed. Reg. 11214 (March 14, 1984).

⁶ 101 FCC 2d at 643.

⁷ See *Report and Order* in Docket 84-281, 101 FCC 2d 1 (1985), *modified on reconsideration*, *Memorandum Opinion and Order*, 103 FCC 2d 532 (1986).

⁸ *Id.* at 7.

⁹ *Memorandum Opinion and Order* in Docket 84-231, 59 RR 2d 1227, n.27 (1986). Because we conferred primary-service status on former daytime-only stations receiving nighttime authorizations of 250 watts or more power, we concluded that licensees operating with such authorizations would be ineligible for the preference.

¹⁰ See 3 FCC Rcd 3145 (1987).

¹¹ Section 1.2 of the Commission's Rules allows the Commission upon request or upon its own motion to "issue a declaratory ruling terminating a controversy or eliminating an uncertainty."

**SEPARATE STATEMENT
OF
COMMISSIONER PATRICIA DIAZ DENNIS**

In the Matter of: Unlimited Time Operation by Existing AM Daytime-Only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime-Only Stations; Minimum Power of Class III Stations. MM Docket No. 87-131

I write separately to express my concerns regarding the daytimer preference. This Commission has generally sought to adopt policies that promote diversification of ownership and encourage new FM licensees. As we have repeatedly emphasized, "[d]iversification of control [of mass media] is a public good in a free society, and is . . . a primary objective in the licensing scheme."¹ The daytimer preference could create obstacles to entry by qualified newcomers into FM broadcasting, and could limit the diversity of voices among FM licensees. It could also undermine the policies that this Commission has adopted to encourage minority ownership of broadcast stations. It is too early to assess whether the daytimer preference is operating to discourage new entry, but I believe we must monitor the effect of this enhancement very carefully to ensure that it does not cause results inconsistent with fundamental Commission policies.

FOOTNOTE FOR STATEMENT

¹ See Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 394 (1965).

FEB 1989

Radials (120 radials)0.2401 λ or $>$ no correct

.2301 - 0.2400 λ - 2 mV/m Factor @ 1 mile
 .2201 - 0.2300 λ - 4 mV/m

.1501 0.1600 λ - 18 mV/m

Per Gary Poyser.

<u>No. Radials</u>		adjustment about cathode tower.
120	0 mV/m	
110	- 2 mV/m	
100	- 4	
90	- 6	

WAPI internationally notified @ 186 mV/m/kw

AM ENGINEERING DATA BASE - PENDING APPLICATIONS - INDEX KEY STATE, CITY, FREQ
FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
*** NOTICE *** UNOFFICIAL SECONDARY SOURCE SEE WARNING AND DISCLAIMER. *** NOTICE ***

BARO40-01
11/14/88

NEW SAN FRANCISCO CALIFORNIA 610 KHZ III N LAT 37-50-58 W LONG 122-17-44 870218
APP 5.00 KW-LS ND-1 U PSA .00000KW
RAD(MV/M/KW): 282.00
MX'D W/REN OF KFRG.D84-1099,APPDID

NEW SAN FRANCISCO CALIFORNIA 610 KHZ III N LAT 37-50-58 W LONG 122-17-44 870218
APP 5.00 KW-LS ND-1 U PSA .00000KW
RAD(MV/M/KW): 282.00
MX'D W/REN OF KFRG.D84-1110,APPDID

NEW SAN FRANCISCO CALIFORNIA 610 KHZ III N LAT 37-50-58 W LONG 122-17-44 870218
APP 5.00 KW-LS ND-1 U PSA .00000KW
RAD(MV/M/KW): 282.00
MX'D WITH RENEWAL OF KFRG, HEARING D84-1109

NEW SAN FRANCISCO CALIFORNIA 610 KHZ III N LAT 37-50-58 W LONG 122-17-44 870218
APP 5.00 KW-LS ND-1 U PSA .00000KW
RAD(MV/M/KW): 282.00
MX'D WITH RENEWAL OF KFRG, HEARING D84-1107

NEW SAN FRANCISCO CALIFORNIA 610 KHZ III N LAT 37-50-58 W LONG 122-17-44 870218
APP 5.00 KW-LS ND-1 U PSA .00000KW
RAD(MV/M/KW): 282.00
MX'D W/REN OF KFRG.D84-1100,APPGID(CONTINGENT ID)

NEW SAN JACINTO CALIFORNIA 1550 KHZ II N LAT 33-46-01 W LONG 116-59-30 870928
APP .70 KW 1.00 KW-LS DA-2 U PSA .00000KW
(DAY) BP860630AF (NIGHT) BP860630AF
THEO RMS(MV/M): DAY 314.02 NIGHT 264.83
AMENDED 860912-AMENDMENT 861222-HEARING D87-344

NEW SAN MARCOS CALIFORNIA 890 KHZ II N LAT 33-06-30 W LONG 117-07-54 880217
APP 1.00 KW 2.50 KW-LS DA-2 U
(DAY) BP870722AE (NIGHT) BP870722AE
THEO RMS(MV/M): DAY 461.57 NIGHT 331.26



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Report No. DC-1361

ACTION IN DOCKET CASE

February 22, 1989

COMMISSION PROPOSES NEW RULES AND PROCEDURES TO REDUCE INTERFERENCE BETWEEN AM BROADCAST STATIONS (MM DOCKET 89-46)

As part of its continuing effort to improve the overall quality of the AM broadcast service, the Commission today proposed a number of amendments to its rules and policies to encourage AM licensees to institute changes to reduce interference. These proposals are designed to facilitate overall improvements to the AM service.

Although the AM broadcast service is the oldest broadcasting service, because of its unique propagation characteristics, it is one of the most technically complex to administer. Consequently, complex technical AM broadcast assignment principles have been developed which take into account these varying propagation characteristics. To date, these rules have operated to allow as many authorizations as technically feasible, promoting expansion in the number of stations. This expansion, however, has come at the expense of the overall quality of the AM service. The Commission now believes that given the mature stage of development in the AM service, the public would benefit from cleaner, more reliable service areas for AM licensees. As a result, the Commission has proposed procedures to accomplish this goal.

First, the FCC proposed allowing AM licensees to reduce the area encompassed by their protected contour, thus reducing interference to one or more stations. Such interference reduction could be achieved through a variety of means, including power reduction, antenna reconfiguration, reduction of tower height, or change in tower location. Under certain circumstances, a station could even relinquish all of its service areas in order to reduce interference to one or more licensees by surrendering its license. The Commission believes that this can provide significant public interest benefits because reducing interference in the congested AM band will lead to improved reception and better overall AM service to the public.

Currently, stations are permitted to surrender their licenses, but the parameters of these stations' facilities are not immediately deleted from the Commission's records. Instead, the radiation and protection rights of stations that have gone off the air for various reasons are grandfathered and maintained for one year while the Commission accepts applications for a replacement station.

(over)

Since the Commission's objective of improving AM service by reducing interference between stations would be furthered by deleting stations that have elected to surrender their licenses, the Commission proposes to discontinue the practice of grandfathering those radiation and protection rights. Furthermore, the Commission stated that during the pendency of the rulemaking proceeding, it would not accept applications for parties seeking to utilize these grandfathered radiation and protection rights.

Under this proposal, new applications filed subsequent to a deletion may not propose facilities that will either cause prohibited overlap of daytime contours of remaining stations or create impermissible levels of nighttime interference.

Second, the Commission is proposing to accept contingent applications from AM licensees seeking to implement interference reduction arrangements. Although contingent applications are not generally accepted in broadcast services, the Commission believes that it may serve the public interest to allow for the acceptance of a particular category of contingent applications where the proposed changes will result in interference reduction.

Additionally, the Commission proposes that if two or more licensees submit contingent applications to effectuate an interference reduction arrangement, any participating applicant seeking power increases or other major modifications will not be subject to competing applications from third parties with respect to any opportunities created by the contingent arrangements. The Commission believes that this change will encourage licensees to engage in interference reduction efforts because they can be assured of the benefits of their reduction efforts.

Finally, the Commission proposes to establish a "service floor" to be used when analyzing AM modification proposals. This would be the level of service that must be maintained subsequent to any changes in facilities. For example, the Commission has traditionally given priority to first and second full-time aural services. An appropriate floor could be established in the form of a requirement that licensees not create any new "white" or "gray" service areas, or some other limitation, such as prohibiting licensees from eliminating any third or fourth service. Comments are requested on the appropriate parameters of such a service floor.

Comments are also requested on whether other services such as commercial FM services should be taken into account when determining whether the services available to listeners meet the service floor.

Action by the Commission February 22, 1989, by Notice of Proposed Rulemaking (FCC 89-71). Commissioners Patrick (Chairman), Quello and Dennis, with Commissioners Quello and Dennis issuing separate statements.

2/22/89

Separate Statement
of
Commissioner Patricia Diaz Dennis

In Re: Policies Regarding Interference Between AM Broadcast
Stations.

By now, the facts about AM's decline have become familiar. AM's share of the radio audience has fallen from 73% in 1973 to 37% in 1983 to just 25% now. Because we have authorized so many AM stations, interference is a serious problem, especially at night. Class IV and other low-powered AM stations have an especially hard time reaching their whole markets.

The FCC cannot "save" AM in a single proceeding, nor should we try to help AM by handicapping its competitors. We can, however, try to create conditions in which AM stations have the opportunity to compete effectively.

This notice addresses some AM problems by making it easier to reduce interference on the AM band. By accepting contingent applications, we would give stations more flexibility in adjusting their service areas. By deleting radiation and protection rights for stations that go dark, we would finally be able to end our counterproductive practice of licensing replacement stations that do not meet our current interference criteria.

These two proposals could gradually lead to a less cluttered AM dial. Listeners could benefit from the emergence of more high-power AM stations that have the facilities to cover an entire market and the resources to compete effectively.

Despite these potential benefits, our proposals carry some risk. We may be giving some stations an incentive to cut back service or, in extreme cases, to shut down altogether. Therefore, my support for this rulemaking is based on three safeguards. First, this item does not contemplate "negotiated interference." No station will be allowed to modify its facilities unless the change complies with the Commission's interference rules. Second, we will continue requiring every station to provide a city-grade signal to its community of license. Finally, we are considering limiting stations' flexibility by adopting a local service floor. The idea would be to deny contingent applications if the effect would be to reduce service to a community that already has little service. I look forward to reviewing comments on whether we should adopt this safeguard and, if so, how stringent it should be.

**Separate Statement of
Commissioner James H. Quello**

**Re: Policies to Encourage Interference Reduction
Between AM Broadcast Stations**

Generally, I support issuing the Notice of Proposed Rule Making because it has the potential for reducing interference in the AM Band. My support, however, is tempered by several issues that are raised in this proceeding.

As the item correctly notes, the proposal has significant implications for our localism policies as established by Section 307(b) of the Act. We must make sure that service to local communities is not reduced to the point where a community is underserved. Second, the procedural mechanisms contained in the proposal could lay the foundation for a system of negotiated interference rights. I would like commenters to address these specific issues.

On balance, the benefits of potential reduced interference justify issuing a Notice of Proposed Rule Making. I intend to examine this issue closely.

FALLS CHURCH, VA

JAN 4, 1989

17

TIME EST.	FREQ KHz	FIELD STRENGTH mV/m	COMMENTS
1830 - 1835	830	2.6 - 3.1	SPANISH
1836 - 1840	600	0.1 - 0.5	SPANISH MIXED WITH WCAO
1840 - 1844	590	0.3 - 0.46	SPANISH NEWS - TICK-TOCK - "RR" HORSES
1844 - 1847	670	0.29 - 0.33	SPANISH
1847 - 1849	680	0.1 - 0.25	SPANISH // 670, MIXED WITH US STATION
1849 - 1850	690	0.2 - 0.3	FRENCH-CANADIAN
1850 - 1852	690	0.3 - 0.4	SPANISH // 670
1852 - 1854	710	0.5 - 1.3	SPANISH // 670 OVER WORK
1854 - 1856	710	1.0 - 1.6	WOR over CUBA
1857 - 1900	830	4.4 - 5.2	SPANISH // 670
1932 - 1935	830	0.84 - 1.4	SPANISH
1935 - 1937	690	0.42 - 0.58	// 830
1937 - 1939	670	0.42 - 0.52	// 830
1939 - 1941	690	0.45 - 0.65	WSM C&W, ID
1941 - 1943	640	0.5 - 0.8	SPANISH - <u>NOT</u> // 830!
1943 - 1947	830	2.3 - 5.5	SPANISH
1947 - 1949	770	0.5 - 3.0	WABC
1949 - 1951	660	0.9 - 3.1	WIFAN (OLD WNBC)
1951 - 1953	880	0.5 - 2.3	WCBS
1954 - 1957	750	0.9 - 1.5	WSB
2114 - 2119	830	4.6 - 6.2	SPANISH
2120 - 2121	550	0.3 - 0.8	SPANISH <u>NOT</u> // 830!!
2121 - 2123	590	0.6 - 1.1	SPANISH - TICK-TOCK - "RR" HORSES
2123 - 2125	650	0.4 - 1.2	WSM
2125 - 2126	660	0.5 - 1.6	WIFAN Sports Radio 66
2126 - 2128	640	0.7 - 1.2	SPANISH <u>NOT</u> // 830, <u>NOT</u> // 550
2128 - 2129	670	0.8 - 1.2	WMAQ
2129 - 2134	830	5.6 - 8.2	"WELCOME TO CUBA IN...." ... RADIO HIRANO, HAVANA." (ID at 2130), FOLLOWED BY SPANISH SINGING.
2135 - 2137	1040	2.4 - 4.0	// 830
2138 - 2141	1560	0.3 - 2.3	WQXR Classical Guitar
2142 - 2144	570	5.2 - 5.4	WGUS

Measurements taken by W. POWIS: COITEN, DIPPEL AND EVERIST, P.C.

FIM 21-1

Serial # 133

CAL. 3/19/87

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