

Lewisburg Dump Superfund Site, which was the subject of FR Doc. 96-3581 is corrected as follows:

On page 6556, in the third column, in Part 300, Appendix B—[Amended], paragraph 2, “Table 2” is corrected to read “Table 1.”

Dated: March 6, 1996.

Phyllis P. Harris,

Acting Deputy Regional Administrator,  
Region 4.

[FR Doc. 96-6241 Filed 3-14-96; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

**44 CFR Part 10**

RIN 3067-AC41

**Environmental Considerations/  
Categorical Exclusions**

**AGENCY:** Federal Emergency  
Management Agency (FEMA).

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects the final rule published on Monday, February 5, 1996 (61 FR 4227). The rule relates to environmental considerations and exclusions from environmental impact statements or assessments.

**EFFECTIVE DATE:** February 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Rick Shivar, Office of Policy and Regional Operations, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, or telephone (202) 646-3610.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency published a final rule on February 5, 1996 that clarified the statutory exclusions and revised the categorical exclusions that normally would not require an environmental impact statement or environmental assessment. As published the final rule omitted the statutory reference to section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in revising 44 CFR 10.8(c)(1).

Accordingly, the final rule published as FR Doc. 96-2087 on February 5, 1996 61 FR 4227, is corrected as follows:

On page 4230, in the third column, § 10.8(c)(1) is corrected to read as follows:

**§ 10.8 Determination of requirement for environmental review.**

\* \* \* \* \*

(c) \* \* \*

(1) Action taken or assistance provided under sections 402, 403, 407, or 502 of the Stafford Act; and

\* \* \* \* \*

Dated: March 7, 1996.

Harvey G. Ryland,

Deputy Director.

[FR Doc. 96-6081 Filed 3-14-96; 8:45 am]

BILLING CODE 6718-01-P

**FEDERAL COMMUNICATIONS  
COMMISSION**

**47 CFR Part 0**

[FCC 96-92]

**Delegated Authority to Process  
Mutually Exclusive ITFS Applications**

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule.

**SUMMARY:** On February 8, 1996, President Clinton signed into law the Telecommunications Act of 1996 (Telecom Act).<sup>1</sup> Section 403(c) of the Telecom Act authorizes the Commission to delegate to the staff the authority to process and grant from among mutually exclusive applications for Instructional Television Fixed Service (ITFS) facilities. By this Order, we exercise this option and delegate such authority to the staff.

**EFFECTIVE DATE:** March 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Paul R. Gordon, Mass Media Bureau, Policy and Rules Division, Legal Branch, (202) 418-2130.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Order, FCC 96-92, adopted March 7, 1996 and released March 8, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission’s copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

**Synopsis of Order**

1. *Statutory Authority to Delegate.* Mutually exclusive applications for new ITFS facilities currently are resolved by the full Commission in a paper hearing by means of a point accumulation system. After calculating each applicant’s score based on information submitted with the application, the

Commission determines which applicant is the most qualified to serve the public interest. Because this is considered a comparative hearing, the processing staff has been statutorily barred from granting or denying any of the applications. Pursuant to the Administrative Procedure Act (“APA”), the Commission itself must preside in the taking of evidence in a comparative hearing, or it may delegate this function to either (1) one or more members of the Commission, or (2) one or more administrative law judges.<sup>2</sup> However, the APA adds that these limitations do not supersede agency delegation authority that is designated under statute.<sup>3</sup>

2. Section 403(c) of the Telecom Act authorizes such a delegation with regard to the processing of ITFS applications, expressly superseding the APA’s restrictions. It replaces the last sentence of Section 5(c)(1) of the Communications Act of 1934 with the following:

Except for cases involving the authorization of service in the instructional television fixed service, or as otherwise provided in this Act, nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in paragraph (2) or (3) of section 556(b) of title 5, United States Code [the APA], of any hearing to which such section applies.<sup>4</sup>

3. *Exercise of the Commission’s Delegation Authority.* We believe that delegation to the staff of ITFS processing authority will speed the processing of ITFS applications, complementing recent rule changes designed to increase ITFS processing efficiency. Moreover, the Commission has conducted a substantial number of hearings for ITFS facilities over the past several years and has developed a large body of case law addressing a variety of issues. Educational applicants, their wireless cable lessees, and Commission staff have become familiar with the many legal and technical issues involved in applying for ITFS facilities. Thus, we believe that delegation will serve the public interest by increasing processing efficiency and allowing more rapid authorization and initiation of service to the public.

*Administrative Matters.* Because this action involves rules of agency organization and procedure, the notice

<sup>2</sup> 5 U.S.C. 556(b)(2) and (3).

<sup>3</sup> 47 U.S.C. 556(b) (“this subchapter does not supersede the conduct of specified classes of proceedings, in whole or in part, by or before boards or other employees specially provided for or designated under statute”).

<sup>4</sup> To be codified at 47 U.S.C. 155(c)(1).

<sup>1</sup> Public Law No. 104-104, 110 Stat. 56 (1996).

and comment requirements of the APA, 5 U.S.C. 553(b)(A), are inapplicable.

*Ordering Clauses.* Therefore, it is ordered That the authority to conduct a hearing and to select from among mutually exclusive applications in the Instructional Television Fixed Service is delegated to the staff.

4. It is further ordered That, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, §§ 0.151 and 0.283 of the Commission's Rules, 47 CFR 0.151, 0.283, are amended as set forth below.

5. Because this involves an internal procedural matter not affecting the substantive rights of any entity, and in order to expedite the processing of ITFS applications, it is further ordered that for good cause shown pursuant to the provisions of 5 U.S.C. 553(d)(3), this *Order* shall become effective immediately upon publication in the Federal Register.

6. It is further ordered That this proceeding is terminated.

7. Authority for the adoption of the foregoing revision is contained in sections 5(b), 5(c)(1), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 155(b), 155(c)(1), and 303(r).

List of Subjects in 47 CFR Part 0

Organization and functions (Government agencies).

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

Rule Changes

Part 0 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 0—COMMISSION ORGANIZATION**

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C 155, 225, unless otherwise noted.

2. Section 0.151 is revised to read as follows:

**§ 0.151 Functions of the Office.**

The Office of Administrative Law Judges consists of a Chief Administrative Law Judge, an Assistant Chief Administrative Law Judge, and as many other Administrative Law Judges qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act as the Commission may find necessary. It is responsible for hearing and conducting all adjudicatory cases designated for any evidentiary adjudicatory hearing other

than those designated to be heard by the Commission en banc, those designated to be heard by one or more members of the Commission, and those involving the authorization of service in the Instructional Television Fixed Service. The Office of Administrative Law Judges is also responsible for conducting such other hearings as the Commission may assign.

3. Section 0.283 is amended by revising paragraph (a)(9)(i) to read as follows:

**§ 0.283 Authority delegated.**

\* \* \* \* \*

(a) \* \* \*

(9) \* \* \*

(i) Mutually exclusive applications not in the Instructional Television Fixed Service, including renewal and construction permit applications, involving non-routine hearing issues.

\* \* \* \* \*

[FR Doc. 96-6208 Filed 3-14-96; 8:45 am]

BILLING CODE 6712-01-P

**47 CFR PART 73**

[FCC 96-90]

**Implementation of Sections 202(a) and 202(b)(1) of the Telecommunications Act of 1996 (Broadcast Radio Ownership)**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This Order amends the Commission's Rules to eliminate current national multiple radio ownership restrictions and to relax local radio ownership restrictions (the "radio contour overlap" rule). This action is necessary to conform the current rules to section 202(a) and 202(b)(1) of the Telecommunications Act of 1996.

**EFFECTIVE DATE:** March 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Alan Aronowitz, Mass Media Bureau, Policy and Rules Division, (202) 418-2130.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order, FCC 96-92, adopted March 7, 1996 and released March 8, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Synopsis of Order

By this Order, the Commission amends 47 CFR 73.3555 of its rules to conform to provisions of the Telecommunications Act of 1996 ("Telecom Act"), Public Law 104-104, 110 Stat. 56 (1996), signed into law by President Clinton on February 8, 1996. Sections 202(a) and 202(b)(1) of the Telecom Act direct the Commission to revise § 73.3555 of its Rules (47 CFR 73.3555) regarding the national multiple radio ownership rule and the local radio ownership ("radio contour overlap") rule.

National Radio Station Ownership

2. Section 73.3555(e)(1)(i) of the Commission's Rules generally limits commercial radio ownership on a nationwide basis to no more than 20 AM stations and no more than 20 FM stations. Section 73.3555(e)(1)(i) further provides that an entity may have an attributable but noncontrolling interest in an additional 3 AM and 3 FM stations that are small business controlled or minority-controlled. Section 202(a) of the Telecom Act directs the Commission to "modify Section 73.3555 of its regulations \* \* \* by eliminating any provisions limiting the number of AM or FM broadcast stations which may be owned or controlled by one entity nationally." Accordingly, § 73.3555(e)(1)(i) will be deleted and the remainder of the rule will be modified to reflect the changes directed by this section of the Telecom Act.

Local Radio Station Ownership

3. The local radio ownership ("radio contour overlap") rule, 47 CFR 73.3555(a)(1), defines the limits of local commercial radio ownership by a single entity. Section 73.3555(a)(1) permits ownership of up to three commercial radio stations, no more than two of which may be in the same service, in radio markets with 14 or fewer stations, provided that the owned stations, if other than a single AM and FM station combination, represent less than 50 percent of the stations in the market; in markets with 15 or more commercial radio stations, ownership of up to two AM and two FM commercial radio stations is generally permitted if the combined audience share of the commonly owned stations does not exceed 25 percent in the market. Section 202(b)(1) of the Telecom Act requires the Commission to "revise section 73.3555(a) of its regulations \* \* \* to provide that—

(A) In a radio market with 45 or more commercial radio stations, a party may own, operate, or control up to 8 commercial radio