

On March 26, 1996, the Coast Guard published the NPRM in which it proposed changes to the current domestic rules on licensing, documentation, and manning in compliance with 1995 Amendments to the 1978 STCW. The NPRM invites comments on or before July 24, 1996.

Persons needing the assistance of sign language interpretation at the meetings should notify the person listed above under **FOR FURTHER INFORMATION CONTACT** as soon as possible so that arrangements may be made to provide the necessary assistance.

Attendance is open to the public. With advance notice, and as time permits, members of the public may make oral presentations during the meetings. Persons wishing to make oral presentations should notify the person listed above under **FOR FURTHER INFORMATION CONTACT** no later than 48 hours before the meeting. Written material may be submitted before, during, or after the meetings. Persons unable to attend the public meetings are encouraged to submit written comments as outlined in the NPRM prior to July 24, 1996.

Dated: March 29, 1996.

Joseph J. Angelo,

Director for Standards, Marine Safety and Environmental Protection Directorate.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1, 73, and 74

[MM Docket No. 96-58, FCC 96-118]

#### Minor Changes in Broadcast Facilities Without a Construction Permit

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** *This Notice of Proposed Rule Making* (NPRM) in MM Docket No. 96-58 seeks comment regarding various proposals to streamline the Commission's rules and processes applicable to broadcast stations seeking to make minor modifications in their transmission facilities. The proposals set forth in this NPRM would allow broadcast stations to effectuate certain types of minor modifications without first obtaining a construction permit from the Commission authorizing the change. The types of minor modifications that are proposed for this streamlined procedure are those which would be expected to have no potential

to cause interference to other stations. The Commission also seeks comments on other types of minor modifications that would be appropriate for this streamlined one-step licensing procedure. The NPRM also proposes some additional changes to relevant rule sections to make clarifications and to conform the rules to existing policy.

**DATES:** Initial comments are due May 16, 1996; reply comments are due June 17, 1996. Written comments by the public on the proposed and/or modified information collections are due May 16, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before June 7, 1996.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to [dconway@fcc.gov](mailto:dconway@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10234 NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Dale Bickel, Mass Media Bureau, Audio Services Division, (202) 418-2720, or Richard Waysdorf, Mass Media Bureau, Audio Services Division, (202) 418-2679. For additional information concerning the information collections contained in the NPRM, contact Dorothy Conway at (202) 418-0217, or via the Internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is the synopsis of the Commission's *Notice of Proposed Rule Making* in MM Docket No. 96-58, adopted March 19, 1996, and released March 22, 1996.

The complete text of this NPRM, which was adopted in MM Docket No. 96-58, is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, DC, and may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., at (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

#### Synopsis of Order and Notice of Proposed Rule Making

1. In the NPRM, the Commission seeks comment regarding various proposals to streamline the Commission's rules and procedures relating to modifications of broadcast

station transmission facilities. The NPRM proposes to modify portions of Section 73 and 74 of the rules to permit broadcast stations to implement certain types of minor modifications of their facilities without first obtaining a construction permit authorizing the modifications. The Commission's Rules generally require that modifications of broadcast licenses and permits may be accomplished only through a two-step process: first, the station files an application for a construction permit, and second, after the facilities are modified, the station files an application for a license for the modified facilities. However, because certain types of minor modifications are unlikely to have any impact on other stations, the requirement of prior review and authorization of the change by the Commission staff often involves redundant analysis and unnecessarily delays the implementation of such changes.

2. Pursuant to a request from the Commission, Congress included in the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), a specific provision (Section 403(m)) that authorized the Commission to allow certain types of minor modifications without the need for a construction permit. With this new authority, the Commission, in the NPRM, has proposed that the types of minor license modifications discussed below be permitted without first obtaining a construction permit. In addition, in the NPRM, the Commission explicitly seek suggestions from the public and the broadcast industry as to additional types of minor modifications that could be effectuated through a one-step licensing process without prior approval of the Commission. The NPRM also proposes some additional changes to relevant rule sections to make clarifications and to conform the rules to existing policy.

3. The NPRM proposes that the following types of minor license and permit modifications would be permitted to be implemented without the prior authorization of the Commission, provided that the licensee or permittee file a modification of license application, using FCC Form 302, within 10 days of effectuating the change: 1) commercial FM stations would be permitted to increase effective radiated power up to the maximum level for the class of station; 2) FM and television stations would be permitted to replace one directional antenna with another; 3) FM stations would be permitted to delete contour protection status under Section 73.215 of the rules where the stations they are providing contour protection move to fully spaced

locations; 4) FM stations would be permitted to use formerly licensed main transmission facilities as auxiliary broadcast facilities; 5) FM and television stations would be permitted to change vertically polarized effective radiated power (ERP); and 6) FM and television stations would be permitted to make slight changes in antenna radiation center height.

4. In addition, the NPRM proposes that requests for waiver of the main studio location rule be made by letter with supporting documentation rather than by filing a construction permit application; and that commercial stations seeking to change to noncommercial status file a one-step modification of license application rather than a construction permit application followed by a license application. In both of these cases, prior Commission approval would still be required before the proposed change could be implemented. In addition, the NPRM proposes that directional FM stations would be allowed to commence automatic program tests at reduced power upon completion of construction without the prior approval of the Commission.

5. The proposed rules set forth in the NPRM would allow broadcast stations to make the types of specified modifications to their facilities more quickly and at a lower cost. Additionally, the NPRM seeks additional suggestions from the public as to other types of minor modifications that could also be streamlined through use of the one-step licensing process.

#### *Initial Paperwork Reduction Act of 1995 Analysis*

The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. The NPRM has been submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the

respondents, including the use of automated collection techniques or other forms of information technology.

This NPRM, MM Docket No. 96-58, "Amendment of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without A Construction Permit" which does not have an OMB control number, proposes rules changes that will affect six existing collections. The revisions are proposed to affect the following:

*Title:* Section 73.1125 Station Main Studio Location.

*Form Numbers:* FCC 301, FCC 302-AM, FCC 302-FM, FCC 302-TV, FCC 340.

*Type of Review:* Revision to Existing Collections.

*Respondents:* Broadcast Permittees/Licensees.

*OMB Control Number:* 3060-0027.

*Title:* Application for Construction Permit for Commercial Broadcast Station.

*Number of Respondents for FCC 301:* 1825.

*Estimated time per response:* The burden ranges from 37 hours to 159 hours. These hours include the hours included in the cost for contracting out with attorneys and consulting engineers.

*Annual Burden:* 7,247.

*OMB Control Number:* 3060-0034.

*Title:* Application for Construction Permit for Noncommercial Educational Broadcast Station.

*Number of Respondents for FCC 340:* 244.

*Estimated time per response:* The burden ranges from 50 hours to 302.33 hours. These hours include the hours included in the cost for contracting out with attorneys and consulting engineers.

*Annual Burden:* 1,243.

*OMB Control Number:* 3060-0627.

*Title:* Application for AM Broadcast Station License.

*Number of Respondents for FCC 302-AM:* 449.

*Estimated time per response:* The burden ranges from 2 hours to 1039.75 hours. These hours include the hours included in the cost for contracting out with attorneys and consulting engineers.

*Annual Burden:* 1,758.

*OMB Control Number:* 3060-0506.

*Title:* Application for FM Broadcast Station License.

*Number of Respondents for FCC 302-FM:* 757.

*Estimated time per response:* The burden ranges from 3 to 25 hours. These hours include the hours included in the cost for contracting out with attorneys and consulting engineers.

*Annual Burden:* 1,675.

*OMB Control Number:* 3060-0029.

*Title:* Application for TV Broadcast Station License.

*Number of Respondents for FCC 302-TV:* 83.

*Estimated time per response:* The burden ranges from 18 to 25 hours. These hours include the hours included in the cost for contracting out with attorneys and consulting engineers.

*Annual Burden:* 306.

*OMB Control Number:* 3060-0171.

*Title:* Section 73.1125 Station main studio location.

*Number of Respondents for Section 73.1125:* 155.

*Estimated time per response:* 0.5 hours (this hour is split between cost and burden, 15 minutes burden for the licensee and 30 minutes cost for a communications attorney).

*Annual Burden:* 39.

*Needs and Uses:* On February 8, 1996, President Clinton signed into law the Telecommunications Act of 1996 which revised Section 319(d) of the Communications Act to remove the prohibition against changing the permit requirement for minor broadcast station facilities changes. To implement this change in the law, on March 19, 1996, the Commission adopted a Notice of Proposed Rule Making in MM Docket No. 96-58 seeking comment on revising our regulations to eliminate the two-step application process where appropriate and replace it with a single step licensing procedure. These proposals would cause revisions to the following information collections: FCC 301 (3060-0027), FCC 340 (3060-0034), FCC 302-AM (3060-0627), FCC 302-FM (3060-0506), FCC 302-TV (3060-0029), Section 73.1125 (3060-0171). Among other things, this NPRM proposes to eliminate the present requirement for a construction permit (FCC Forms 301/340) for a broadcast station in certain instances where the changed facilities will not have an adverse impact on other broadcast facilities. In these instances, we will permit the broadcast licensee or permittee to make changes without prior authority from the Commission and file a license application (FCC Forms 302-AM/302-FM/302-TV) with specified exhibits to reflect the change afterwards. Additionally, we propose to eliminate the need to file an application for construction permit on FCC 301/340 to request a main studio move. We propose that these requests be made in a letter form with appropriate justification. These proposed changes would eliminate the delay and expense of completing the construction permit application and will enable licensees/permittees to make changes with

minimal delay. In addition to these specific proposals, the Commission is also seeking suggestions from the public and the broadcast industry as to additional types of minor modifications that could be effectuated through a one-step licensing process without prior approval of the Commission.

#### *Initial Regulatory Flexibility Analysis*

As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in the NPRM. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the NPRM, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of the NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603 (a) of the Regulatory Flexibility Act, Public Law No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601, *et seq.* (1980).

**I. Reason for Action:** This proposed action is necessary to provide more flexibility for AM, FM and television stations to effectuate minor modifications of their facilities in instances where there would not likely be any significant impact on other stations. In addition, this proposed action would allow such minor modifications to be made more quickly than under the current procedures.

**II. Objectives:** The objective of this proceeding is to allow AM, FM, and television station licensees and permittees to bring improved service to the public more efficiently and expeditiously while controlling interference to other stations.

**III. Legal Basis:** The action taken in this NPRM is authorized by Sections 4(i), 5(c)(1), 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 302, and 303.

**IV. Description, Potential Impact and Number of Small Entities Affected:** The entities affected by this proposal are AM and FM radio and television station licensees and permittees seeking to effect minor modifications of facilities that have previously been authorized by the Commission. The total number of such licensees and permittees is nearly 15,000. Because the Notice proposes provisions which allow for greater flexibility in operation, the option of whether or not to take advantage of the

new rules rests with each licensee or permittee. There is no requirement that any licensee or permittee make any change as a result of these rule amendments. The number of licensees or permittees who might decide to modify their stations pursuant to these rule amendments is unknown, but under the present rules, approximately 150 stations each year file applications that propose the types of facilities modifications that are the subject of these rule amendments.

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

**VI. Federal Rules which Overlap, Duplicate or Conflict with these Rules:** None.

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

#### List of Subjects

##### *47 CFR Part 1*

Administrative practice and procedure, Radio, Television.

##### *47 CFR Part 73*

Radio broadcasting, Television broadcasting.

##### *47 CFR Part 74*

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-8595 Filed 4-5-96; 8:45 am]

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#### **47 CFR Part 68**

[CC Docket No. 96-28; FCC 96-39]

#### **Harmonization of U.S. Network Protection Standard With Canadian Network Protection Standard**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** On February 2, 1996, the Commission adopted a Notice of Proposed Rulemaking (NPRM). The NPRM is intended to address issues associated with "harmonizing" U.S. and Canadian requirements for connection of terminal equipment to the public switched network. It seeks comment on whether amending of the Commission's rules regarding network protection would foster greater efficiencies in manufacturing terminal equipment without threatening the reliability of the public network. The Commission's network protection rules govern the

terms and conditions under which customer-provided terminal equipment may be connected to the network.

**DATES:** Comments must be filed on or before April 1, 1996, and reply comments must be filed on or before April 16, 1996.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Marian Gordon, Network Services Division, Special Counsel, Common Carrier Bureau, (202) 418-2337.

**SUPPLEMENTARY INFORMATION:** This summarizes the Commission's Notice of Proposed Rulemaking in the Matter of Amendment of Part 68 of the Commission's Rules. (CC Docket No. 96-28, FCC 96-39, adopted February 2, 1996, and released February 29, 1996). The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, Room 239, 1919 M St., N.W., Washington D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., N.W., Suite 140, Washington, D.C. 20037, phone (202) 857-3800.

#### Analysis of Proceeding

The Commission proposes amendments to Part 68 of its rules to foster barrier-free trade between Canada and the United States. The proposed rules are designed to foster greater efficiencies in manufacturing terminal equipment without threatening the reliability of the public switched network. Under the proposed rules, the technical requirements of Part 68 and the Canadian network protection standard CS-03 would be harmonized so that a manufacturer in one country could design terminal equipment to a single, consistent set of technical standards accepted in either the U.S. or Canada. The Commission tentatively concludes that its proposed rules amending Part 68 will eliminate unnecessary differences in terminal attachment requirements between the United States and Canada. It further tentatively concludes that this is consistent with the spirit and letter of the North American Free Trade Agreement (NAFTA), which mandates elimination of trade barriers through reconciliation of differences in standards and testing procedures. The Commission also tentatively concludes that the proposed rules will become a guide for harmonization efforts around the world and will benefit consumers by creating a more competitive equipment marketplace, thereby lowering