Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Miscellaneous				
*	*	*	*	*
	Sodium citrate buffered with citric acid to a pH of 5.6.	To inhibit the growth of micro-organisms and retain product flavor during storage.	Cured and uncured, processed whole-muscle poultry food products, e.g., chicken breasts.	Not to exceed 1.3 percent of the formulation weight of the product in accordance with 21 CFR 184.1751.
*	*	*	*	*

Done at Washington, DC, on April 17, 1996.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96–9980 Filed 4–23–96; 8:45 am]

BILLING CODE 3410–DM–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 110 and 114

[Notice 1996–11]

Candidate Debates and News Stories

AGENCY: Federal Election Commission.

ACTION: Final rule and transmittal of regulations to Congress.

SUMMARY: The Federal Election Commission is issuing revised regulations governing candidate debates and new stories produced by cable television organizations. These regulations implement the provisions of the Federal Election Campaign Act (FECA) which exempt news stories from the definition of expenditure under certain conditions. The revisions indicate that cable television programmers, producers and operators may cover or stage candidate debates in the same manner as broadcast and print news media. The rules also restate Commission policy that news organizations may not stage candidate debates if they are owned or controlled by any political party, political committee or candidate.

DATES: Further action, including the publication of a document in the Federal Register announcing an effective date, will be taken after these regulations have been before Congress for 30 legislative days pursuant to 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Ms. Rosemary C. Smith, Senior Attorney, 999 E Street NW., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Commission is publishing today the final text of revisions to its regulations at 11 CFR 100.7(b)(2), 100.8(b)(2), 110.13 and 114.4(f) regarding news stories and candidate debates produced by cable television operators, programmers and producers. The revised rules also address candidate debates sponsored by news organizations owned or controlled by candidates, political parties and political committees. These provisions implement 2 U.S.C. 431(9) and 441b, provisions of the Federal Election Campaign Act of 1971, as amended (the Act or FECA), 2 U.S.C. 431 *et seq.*

On February 1, 1996, the Commission issued a Notice of Proposed Rulemaking (NPRM) in which it sought comments on proposed revisions to these regulations. 61 FR 3621 (Feb. 1, 1996). Four written comments were received from the Internal Revenue Service (IRS), the Federal Communications Commission (FCC), Turner Broadcasting System, Inc. (Turner), and the National Cable Television Association, Inc. (NCTA). A public hearing on these changes was scheduled for March 20, 1996. The hearing was subsequently canceled when the Commission received no requests to testify.

Section 438(d) of Title 2, United States Code, requires that any rules or regulations prescribed by the Commission to carry out the provisions of Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated. These regulations were transmitted to Congress on April 18, 1996.

Explanation and Justification for 11 CFR 100.7(b)(2), § 100.8(b)(2), § 110.13, and § 114.4(f)

The FECA generally prohibits corporations from making contributions or expenditures in connection with any election. 2 U.S.C. 441b. However, the definition of ''expenditure'' in section 431(9) indicates that news stories, commentaries, and editorials distributed through the facilities of any broadcast station, newspaper, magazine, or other periodical publication are not considered to be expenditures unless the facilities are owned or controlled by a political party, political committee, or candidate. 2 U.S.C. 431(9)(B)(i). This statutory exemption forms the basis for the Commission's long-standing regulations at 11 CFR 100.7(b)(2) and 100.8(b)(2) exempting such communications from the definitions of contribution and expenditure. Section 431(9) is also the basis underlying sections 110.13 and 114.4(f), which permit broadcasters and *bona fide* print media to stage candidate debates under certain conditions.

The Commission has decided to expand the types of media entities that may stage candidate debates under sections 110.13 and 114.4 to include cable television operators, programmers and producers. Hence, revised sections 110.13(a)(2) and 114.4(f) allows these types of cable organizations to stage debates under the same terms and conditions as other media organizations such as broadcasters, and *bona fide* print media organizations. New language in sections 110.13, 100.7(b)(2) and 100.8(b)(2) also permits cable organizations, acting in their capacity as news media, to cover or carry candidate debates staged by other groups. Examples of the types of programming that the Federal Communications Commission considers to be *bona fide* newscasts and news interview programs are provided in The Law of Political Broadcasting and Cablecasting: A Political Primer, 1984 ed., Federal Communications Commission, at p. 1994–99.

The revised rules are consistent with the intent of Congress not ''to limit or burden in any way the first amendment freedoms of the press * * *.'' H.R. Rep. No. 93–1239, 93d Cong., 2d Sess. at 4 (1974). In *Turner Broadcasting System, Inc.* v. *Federal Communications Commission,* _____ U.S. _____, 114 S.

Ct. 2445, 2456 (1994), the Supreme Court recognized that cable operators and cable programmers ''engage in and transmit speech, and they are entitled to the protection of the speech and press provisions of the First Amendment.''

The 1974 legislative history of the FECA also indicates that in exempting news stories from the definition of ''expenditure,'' Congress intended to assure ''the unfettered right of the newspapers, TV networks, and other media to cover and comment on political campaigns.'' H.R. Rep. No. 93–1239, 93d Cong., 2d Sess. at 4 (1974). Although the cable television industry was much less developed when Congress express this intent, it is reasonable to conclude that cable operators, programmers and producers, when operating in their capacity as news producers and distributors, would be precisely the type of ''other media'' appropriately included within this exemption. For these reasons, the Commission has decided to allow cable operators, programmers and producers to act as debate sponsors.

The Internal Revenue Service found no conflict with the Internal Revenue Code or regulations thereunder. The Federal Communications Commission stated that the proposed amendments regarding candidate debates and news stories are not inconsistent with the FCC's policies in implementing the Communications Act of 1934, and appear to complement and further the FCC's regulatory scheme and goals. Two other commenters supported the Commission's efforts to confirm that the FECA's exemption applies to candidate debates, news, commentary and editorial programming produced and distributed by cable news organizations. These commenters stated they felt any other course of action would present serious Constitutional problems under the First Amendment. They also argued that the Commission's interpretation is consistent with the statutory framework established by Congress when it enacted the 1974 Amendments to the FECA, and would serve the public interest.

The NPRM sought comments on whether there are distinctions between cable operators, programmers and producers that should be considered in determining which of these types of organizations may stage candidate debates, and in determining which of these organizations are *bona fide* news organizations entitled to the press exemption. It also asked if there other types of cable new organizations that should be included as debate sponsors. One commenter stated that the Commission should confirm that the FECA's exemption applies to cable operators and cable networks as well as to independent producers of news, commentary and editorials they carry. Under the new regulations, the exemption applies to each of these entities. The commenter also urged the Commission to expand the list of permissible debate sponsors and *bona fide* news media to include regional, state and national trade associations whose members are cable operators and programmers. The role of trade associations was not addressed in the NPRM and is beyond the scope of this rulemaking.

The revised rules are also consistent with Advisory Opinion 1982–44, in which the Commission concluded that the press exemption permitted Turner Broadcasting System, Inc. to donate free cable cast time to the Republican and Democratic National Committees without making a prohibited corporate contribution. The cablecast programming on ''super satellite'' television station, WTBS in Atlanta, Georgia, was to be provided to a network of cable system operators. The Commission stated *inter alia* that ''the distribution of free time to both political parties is within the broadcaster's legitimate broadcast function and, therefore, within the purview of the press exemption.'' AO 1982–44.

The courts have examined the application of the press exemption in section 431(9)(B)(i) on several occasions. See e.g., *Readers Digest Ass'n* v. *FEC*, 509 F. Supp. 1210 (S.D.N.Y. 1981); *FEC* v. *Phillips Publishing Company, Inc.*, 517 F. Supp. 1308 (D.D.C. 1981); and *Federal Election Commission* v. *Multimedia Cablevision, Inc.*, Civ. Action No. 94–1520–MLB, slip op. (D. Kan. Aug. 15, 1995). In *Readers Digest*, the court articulated a two part test ''on which the exemption turns: whether the press entity is owned by the political party or candidate and whether the press entity was acting as a press entity in making the distribution complained of. ''*Readers Digest*, at p. 1215. The first prong is discussed more fully below. With regard to the second prong, the court stated that ''the statute would seem to exempt only those kinds of distribution that fall broadly within the press entity's legitimate press function.'' *Id.* at 1214. The Commission believes a cable operator, producer or programmer can satisfy this standard if it follows the same guidelines as other news media follow when they stage candidate debates. For example, it must invite at least two candidates and refrain from promoting or advancing one over the other(s).

The Commission is also adding language to sections 100.7(b)(2) and 100.8(b)(2) indicating that the news story exception in 2 U.S.C. 431(9) allows cable operators, producers and programmers to exercise legitimate press functions by covering or carrying news stories, commentaries and editorials in accordance with the same guidelines that apply to the print or broadcast media. For example, they are subject to the same provisions regarding ownership by candidates and political parties as are broadcasters or print media. The public comments regarding these changes are summarized above.

The approach taken in the new rules regarding cable television entities avoids conflict with the FCC's application of the equal opportunity requirements under the Communications Act of 1934. Section 315(a) of the Communications Act requires that broadcast station licensees, including cable television operators, who permit any legally qualified candidate to use a broadcasting station, must afford equal opportunities to all other such candidates for that office in the use of that broadcasting station. 47 U.S.C. 315(a). However, the equal opportunity requirement is not triggered if the broadcasting station airs a *bona fide* newscast, *bona fide* news interview, *bona fide* news documentary or on-the-spot coverage of *bona fide* news events (including political conventions). 47 U.S.C. 315(a)(1)–(4). In 1975, the FCC decided that broadcasts of debates between political candidates would be exempt from the equal opportunities requirement as on-the-spot coverage of *bona fide* news events where, *inter ailia*, the broadcaster exercised a reasonable, good faith judgment that it was newsworthy, and not for the purpose of giving political advantage to any candidate. See The Law of Political Broadcasting and Cablecasting: A Political Primer, 1984 ed., Federal Communications Commission, at p. 1502. This ruling was expanded in 1983 to permit broadcaster-sponsorship of candidate debates. *Id.* Similarly, in 1992, the FCC ruled that independently produced *bona fide* news interview programs qualify for exemption from the equal opportunities requirement of the Communications Act. In Matter of Request for Declaratory Ruling That Independently Produced Bona Fide News Interview Programs Qualify for the Equal Opportunities Exemption Provided in Section 315(a)(2) of the Communications Act, FCC 92–288 (July 15, 1992).

The third change in the revised rules is the addition of language in paragraph (a)(2) of section 110.13 regarding ownership of organizations staging candidate debates. Broadcast, cable and

print media organizations may not stage candidate debates if they are owned or controlled by a political party, political committee or candidate. This policy was not stated in the previous candidate debate rules, although it was included in the 1979 Explanation and Justification for those rules. *See* 44 F.R. 76735 (December 27, 1979). It is based on 2 U.S.C. 431(9)(B)(i), which specifies that the news story exemption does not apply to media entities that are owned or controlled by a political party, political committee or candidate. Please note that this new language applies only to media corporations, and thus does not change the rules in 11 CFR 110.13 regarding candidate debates staged by nonprofit corporations described in section 501(c)(3) or (c)(4) of the Internal Revenue Code. None of the commenters specifically addressed this change in the regulations.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]

The attached final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that any small entities affected are already required to comply with the requirements of the Act in these areas.

List of Subjects

11 CFR Part 100

Elections.

11 CFR Part 110

Campaign funds, Political candidates, Political committees and parties.

11 CFR Part 114

Business and industry, Elections, Labor.

For the reasons set out in the preamble, Subchapter A, Chapter I of Title 11 of the *Code of Federal Regulations* is amended as follows:

PART 100—SCOPE AND DEFINITIONS (2 U.S.C. 431)

1. The authority citation for Part 100 continues to read as follows:

Authority: 2 U.S.C. 431, 438(a)(8)

2. Part 100 is amended by revising paragraph (b)(2) of section 100.7 to read as follows:

§ 100.7 Contribution (2 U.S.C. 431(8)).

* * * * *

(b) * * *

(2) Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station (including a cable television operator, programmer or producer), newspaper, magazine, or other periodical publication is not a contribution unless the facility is owned or controlled by any political party, political committee, or candidate, in which case the costs for a news story (i) which represents a *bona fide* news account communicated in a publication of general circulation or on a licensed broadcasting facility, and (ii) which is part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area, is not a contribution.

* * * * *

3. Part 100 is amended by revising paragraph (b)(2) of section 100.8 to read as follows:

§ 100.8 Expenditure (2 U.S.C. 431(9)).

* * * * *

(b) * * *

(2) Any cost incurred in covering or carrying a new story, commentary, or editorial by any broadcasting station (including a cable television operator, programmer or producer), newspaper, magazine, or other periodical publication is not an expenditure unless the facility is owned or controlled by any political party, political committee, or candidate, in which case the costs for a news story (i) which represents a *bona fide* news account communicated in a publication of general circulation or on a licensed broadcasting facility, and (ii) which is part of a general pattern of campaign-related news account which give reasonably equal coverage to all opposing candidates in the circulation or listening area, is not an expenditure.

* * * * *

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

4. The authority citation for Part 110 continues to read as follows:

Authority: 2 U.S.C. 431(8), 431(9), 432(c)(2), 437d(a)(8), 438(a)(8), 441a, 441b, 441d, 441e, 441f, 441g and 441h.

5. Part 110 is amended by revising section 110.13 to read as follows:

§ 110.13 Candidate debates.

(a) *Staging organizations.* (1) Nonprofit organizations described in 26 U.S.C. 501 (c)(3) or (c)(4) and which do not endorse, support, or oppose political candidates or political parties may stage candidate debates in accordance with this section and 11 CFR 114.4(f).

(2) Broadcasters (including a cable television operator, programmer or producer), *bona fide* newspapers, magazines and other periodical publications may stage candidate debates in accordance with this section and 11 CFR 114.4(f), provided that they are owned or controlled by a political party, political committee or candidate. In addition, broadcasters (including a cable television operator, programmer or producer), *bona fide* newspapers, magazines and other periodical publications, acting as press entities, may also cover or carry candidate debates in accordance with 11 CFR 100.7 and 100.8.

(b) *Debate structure.* The structure of debates staged in accordance with this section and 11 CFR 114.4(f) is left to the discretion of the staging organizations(s), provided that:

(1) Such debates include at least two candidates; and

(2) The staging organization(s) does not structure the debates to promote or advance one candidate over another.

(c) *Criteria for candidate selection.* For all debates, staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organizations(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in a debate. For debates held prior to a primary election, caucus or convention, staging organizations may restrict candidate participation to candidates seeking the nomination of one party, and need not stage a debate for candidates seeking the nomination of any other political party or independent candidates.

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

6. The authority citation for Part 114 continues to read as follows:

Authority: 2 U.S.C. 431(8)(B), 431(9)(B), 432, 437d(a)(8), 438(a)(8), and 441b.

7. Part 114 is amended by revising paragraph (f) of section 114.4. to read as follows:

§ 114.4 Disbursements for communications beyond the restricted class in connection with a Federal election.

* * * * *

(f) *Candidate debates.*

(1) A nonprofit organization described in 11 CFR 110.13(a)(1) may use its own funds and may accept funds donated by corporations or labor organizations under paragraph (f)(3) of this section to defray costs incurred in staging candidate debates held in accordance with 11 CFR 110.13.

(2) A broadcaster (including a cable television operator, programmer or producer), *bona fide* newspaper,

magazine or other periodical publication may use its own funds to defray costs incurred in staging public candidate debates held in accordance with 11 CFR 110.13.

(3) A corporation or labor organization may donate funds to nonprofit organizations qualified under 11 CFR 110.13(a)(1) to stage candidate debates held in accordance with 11 CFR 110.13 and 114.4(f).

* * * * *

Dated: April 18, 1996.

Lee Ann Elliott,

Chairman.

[FR Doc. 96–10038 Filed 4–23–96; 8:45 am]

BILLING CODE 6715–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 11

[Docket No. 28518; Amendment No. 11–41]

General Rulemaking Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Technical amendment.

SUMMARY: The Federal Aviation Administration is making an editorial change to part 11 by changing the words ''rule making'' and ''rule-making'' to read ''rulemaking''. This change is being made for consistency.

EFFECTIVE DATE: April 24, 1996.

FOR FURTHER INFORMATION CONTACT: Clara Thieling, Office of the Chief Counsel, Regulations Division, AGC–200, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–3123.

SUPPLEMENTARY INFORMATION:

Background

In response to inquiries as to the uniformity of the spelling of the word rulemaking, the FAA is making an editorial change to part 11 to change the spelling of ''rule-making'' and ''rule making'' to ''rulemaking''. Because this action is merely a technical amendment, the FAA finds that prior notice and public procedure under 5 U.S.C. 553(b)(3)(B) are unnecessary. For the same reason, the FAA finds that good cause exists for making this amendment effective upon publication.

The Amendment

The FAA amends 14 CFR part 11 as follows:

PART 11—GENERAL RULEMAKING PROCEDURES

1. The authority citation for part 11 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, and 46102.

2. In the heading and throughout part 11, remove the words ''rule-making'' and ''rule making'' wherever they appear, and add the word ''rulemaking'' in their place.

Issued in Washington, DC, on March 29, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations, Office of the Chief Counsel.

[FR Doc. 96–10002 Filed 4–23–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 96–ANE–05; Amendment 39–9568; AD 96–08–02]

Airworthiness Directives; Hamilton Standard Models 14RF–9, 14RF–19, 14RF–21; and 14SF–5, 14SF–7, 14SF–11, 14SFL11, 14SF–15, 14SF–17, 14SF–19, and 14SF–23; and Hamilton Standard/British Aerospace 6/5500/F Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Hamilton Standard Models 14RF–9, 14RF–19, 14RF–21; and 14SF–5, 14SF–7, 14SF–11, 14SFL11, 14SF–15, 14SF–17, 14SF–19, and 14SF–23; and Hamilton Standard/British Aerospace 6/5500/F propellers, that currently requires that all blades of applicable Hamilton Standard propellers be calibrated for ultrasonic transmissibility before conducting the ultrasonic shear wave inspection. In addition, that AD decreases the repetitive inspection interval for the Hamilton Standard Models 14RF–9, 14SF–5, –7, –11, –15, –17, –19, and –23 propellers from 1,250 flight cycles to 500 flight cycles. That AD also establishes a new ultrasonic shear wave inspection interval of 1,000 flight cycles for the Hamilton Standard Model 14RF–19, and 2,500 flight cycles for the Hamilton Standard Model 14RF–21 and Hamilton Standard/British Aerospace Model 6/5500/F. Also, that AD removes Hamilton Standard Model 14SFL11 propellers from service. This amendment requires a blade repair that constitutes terminating action to the repetitive ultrasonic taper bore inspections. Repetitive ultrasonic taper bore inspections are required until the blade is repaired in accordance with this AD. This amendment is prompted by the development of a taper bore repair process that removes the damaged material and returns the blade to a condition that does not require repetitive ultrasonic taper bore inspections. The actions specified by this AD are intended to prevent separation of a propeller blade due to cracks initiating in the blade taper bore, that can result in aircraft damage, and possible loss of aircraft control.

DATES: Effective May 9, 1996.

The incorporation by reference of Hamilton Standard Alert Service Bulletins (ASB's): No. 14RF–9–61–A91, No. 14RF–19–61–A55, No. 14RF–21–61–A73, No. 14SF–61–A93, and No. 6/5500/F–61–A41, all dated December 7, 1995, and Hamilton Standard ASB's No. 14RF–9–61–A91, Revision 1, No. 14RF–19–61–A55, Revision 1, No. 14RF–21–61–A73, and Revision 1, No. 14SF–61–A93, all dated December 15, 1995, and No. 6/5500/F–61–A41, Revision 1, dated December 18, 1995; and Hamilton Standard ASB's No. 14RF–9–61–A95, No. 14RF–19–61–A57, No. 14RF–21–61–A75, No. 14SF–61–A95, and No. 6/5500/F–61–A43, all dated December 18, 1995, and Hamilton Standard ASB's No. 14RF–9–61–A95, Revision 1, No. 14RF–19–61–A57, Revision 1, No. 14RF–21–61–A75, Revision 1, No. 14SF–61–A95, Revision 1, and No. 6/5500/F–61–A43, Revision 1, all dated December 21, 1995, was previously approved by the Director of the Federal Register as of January 9, 1996 (61 FR 617).

The incorporation by reference of Hamilton Standard ASB's No. 14RF–9–61–A94, Revision 1, dated March 6, 1996; No. 14RF–19–61–A53, Revision 1, dated March 6, 1996; No. 14RF–21–61–A72, Revision 1, dated March 6, 1996; No. 14SF–61–A92, Revision 1, dated March 6, 1996; and No. 6/5500/F–61–A39, Revision 1, dated March 6, 1996; is approved by the Director of the Federal Register as of May 9, 1996.

Comments for inclusion in the Rules Docket must be received on or before June 24, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–ANE–05, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be submitted to the following Internet address: ''epd-adcomments@mail.hq.faa.gov''.