

as in effect before December 1, 1994), but VA may not approve an enrollment in any of these courses by a reservist who is limited in the types of courses he or she may pursue, as provided in § 21.7540 (b)(2) and (b)(3):

- (1) A correspondence course;
- (2) A cooperative course;
- (3) An apprenticeship or other on-job training program;
- (4) A nursing course offered by an autonomous school of nursing;
- (5) A medical or dental specialty course not offered by an institution of higher learning;
- (6) A refresher, remedial, or deficiency course; or
- (7) A course or combination of courses consisting solely of independent study.

(Authority: 10 U.S.C. 2131(c), 2136(b), 16131(c)(1), 16136(b); 38 U.S.C. 3670 through 3676; sec. 705(a)(1), Pub. L. 98-525, 98 Stat. 2565, 2567; sec. 642, Pub. L. 101-189, 103 Stat. 1456-1458)

[FR Doc. 96-14369 Filed 6-7-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 96-225]

Authority Delegated to the General Counsel

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has concluded that the proper dispatch of its business and the public interest will be best served by expanding the authority delegated to the General Counsel regarding hearing matters. In order to facilitate prompt resolution of adjudicatory hearing proceedings, the Commission has delegated authority to the General Counsel to issue all appropriate orders and to act on all requests for relief regarding hearing matters pending before the Commission en banc, except those requests which involve final disposition on the merits of a previously specified issue concerning an applicant's basic qualifications or two or more applicants' comparative qualifications.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: John I. Riffer, Office of General Counsel, (202) 418-1756.

SUPPLEMENTARY INFORMATION:

Adopted: May 20, 1996.

Released: May 29, 1996.

1. By its Order, 11 FCC Rcd 1062 (1996), the Commission eliminated the Review Board. In light of the many demands currently imposed on the Commission concerning nonhearing matters, the Commission has concluded that the proper dispatch of its business and the public interest will be best served by expanding the authority delegated to the General Counsel regarding hearing matters. Thus, in order to facilitate prompt resolution of adjudicatory hearing proceedings which are pending before the Commission en banc, we are amending § 0.251 to delegate authority to the General Counsel to act on all requests for relief in such proceedings, and to issue all appropriate orders, except those requests which involve final disposition on the merits of a previously specified issue concerning an applicant's basic qualifications or two or more applicants' comparative qualifications. At the same time, various other, conforming editorial changes have also been made in § 0.251.

2. Authority for the adoption of the amendments adopted herein is contained in Sections 4(i), 4(j), 5(b), 5(c), and 303(r) of the Communications Act of 1934, as amended. 47 U.S.C. 154(i), 154(j), 155(b), 155(c) and 303(r). Because these amendments pertain to agency organization, practice and procedure, the notice and comment and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553(b)(A) and 553(d), are inapplicable.

3. Accordingly, it is ordered, that, effective June 10, 1996, part 0 is amended as set forth below.

List of Subjects in 47 CFR Part 0

Organization and functions (Government Agencies).

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

Rule Changes

Part 0 of chapter I 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.

§ 0.251 [Amended]

2. Section 0.251 is amended by adding paragraphs (c), (d), and (e), removing paragraphs (f), (g), and (h) and

redesignating paragraphs (i) and (j) as paragraphs (f) and (g) to read as follows:

* * * * *

(c) The General Counsel is delegated authority in adjudicatory hearing proceedings which are pending before the Commission en banc to act on all requests for relief, and to issue all appropriate orders, except those which involve final disposition on the merits of a previously specified issue concerning an applicant's basic qualifications or two or more applicants' comparative qualifications.

(d) When an adjudicatory proceeding is before the Commission for the issuance of a final order or decision, the General Counsel will make every effort to submit a draft order or decision for Commission consideration within four months of the filing of the last responsive pleading. If the Commission is unable to adopt an order or decision in such cases within five months of the last responsive pleading, it shall issue an order indicating that additional time will be required to resolve the case.

(e) The official record of all actions taken by the General Counsel pursuant to § 0.251 (c) and (d) is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

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[FR Doc. 96-14570 Filed 6-7-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 90-66, RM-7139, RM-7368, RM-7369]

Radio Broadcasting Services; Lincoln, Osage Beach, Steelville and Warsaw, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document denies the petition for reconsideration filed by Twenty One Sound Communications, Inc., licensee of Station KNSX(FM), Steelville, Missouri of our *Report and Order*, 57 FR 21040 (May 18, 1992) substituting Channel 228C3 for Channel 228A at Osage Beach, Missouri and modified the license of Station KYLC, Osage Beach, Missouri, to specify the higher class channel. The Commission affirmed the dismissal of Twenty One's counterproposal for failure to verify pursuant to Section 1.52 of the Commission's Rules. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT:

Arthur D. Scrutchins, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 90-66, adopted May 9, 1996 and released June 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc. (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-14618 Filed 6-7-96; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 76

[CS Docket No. 95-178; FCC 96-197]

Definition of Markets for Purposes of the Cable Television Must-Carry Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its rules to continue to use Arbitron's 1991-1992 "Area of Dominant Influence" ("ADI") market list for determining local markets for the must-carry/retransmission consent election that must be made by commercial broadcast television stations by October 1, 1996. The Commission will switch to Nielsen's "Designated Market Area" ("DMA") list beginning with the 1999 election, and will use updated Nielsen market lists for subsequent elections. The Commission's previously established procedures to determine local television markets for signal carriage purposes assumed that Arbitron would continue to publish market designations and that updated ADI market lists would be available for each triennial must-carry/retransmission consent election. However, Arbitron has ceased publication of its ADI market list and it is now necessary for the Commission to adopt a revised mechanism for determining local markets for signal carriage purposes. By postponing the change to market

designation procedures until the 1999 election, the Commission and affected parties will have an opportunity to consider transitional mechanisms to facilitate the switch from one market designation to another. The *Further Notice of Proposed Rulemaking* segment of this decision is summarized elsewhere in this issue of the Federal Register.

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION, CONTACT:

Marcia Glauberman or John Adams, Cable Services Bureau, (202) 418-7200.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, CS Docket No. 95-178, FCC 96-197, adopted April 25, 1996, and released May 24, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW., Washington, DC 20554.

Synopsis of the Report and Order

1. The *Report and Order* amends § 76.55(e) of the rules, 47 CFR 76.55(e), to continue to use Arbitron Ratings Company's 1991-1992 *Television ADI Market Guide* as the source of local market designations for signal carriage purposes for the must-carry/retransmission consent election that must take place by October 1, 1996, and will become effective on January 1, 1997. The rule also is amended to use Nielsen Media Research's *DMA Market and Demographic Rank Report* to determine markets beginning with the 1999 election, which becomes effective January 1, 2000.

2. Under the signal carriage provisions added to the Communications Act ("Act") by the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"), commercial broadcast television stations are permitted to elect once every three years whether they will be carried by cable systems in their local markets pursuant to the must-carry or retransmission consent rules. Section 614 of the Act, 47 U.S.C. 534, provides that a station electing must-carry status is entitled to insist on carriage of its signal. A station electing retransmission consent as set forth in Section 325 of the Act, 47 U.S.C. 325 negotiates a carriage agreement with each cable operator and may be compensated for its station's carriage. The next election must be made by October 1, 1996, and will become effective on January 1, 1997.

3. For purposes of these carriage rights, a station is considered local on all cable systems located in the same television market as the station. As enacted in 1992, section 614(h)(1)(C) of the Act required, through a cross-reference to a Commission rule dealing with broadcast ownership issues, that a station's market shall be determined using the Arbitron Ratings Company's "areas of dominant influence" or "ADI." The rules adopted in 1993 to implement these signal carriage provisions established a mechanism for determining a station's local market for each must-carry/retransmission consent cycle based on ADI market lists. For the initial election in 1993, Arbitron's 1991-1992 *Television ADI Market Guide* was used to define local markets and for each subsequent election cycle an updated ADI market list was to be used. For example, the rule specified that Arbitron's 1994-1995 ADI list would be used for the 1996 election.

4. However, since we established these procedures, Arbitron left the television research business and the market list specified in the rules for this year's election is unavailable. Congress recognized that Arbitron no longer publishes television market lists and the Telecommunications Act of 1996 ("1996 Act"), Pub. L. 104-104, 110 Stat. 56 (1996), amended the definition of local market that referenced ADIs. Specifically, section 614(h)(1)(C) of the Act was amended by Section 301 of the 1996 Act to provide that for purposes of applying the mandatory carriage provisions, a broadcasting station's market shall be determined "by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns * * *."

5. In addition, section 614(h) of the Act requires the Commission to consider petitions for market modifications to add communities to or exclude communities from a station's local market based on historical carriage, signal coverage, local service, and viewing patterns. The 1996 Act modified this provision to require the Commission to act on all petitions for market modifications within 120 days.

6. Prior to the 1996 Act, but consistent with its amended definition of local market, we issued the Notice of Proposed Rulemaking ("NPRM") in this proceeding, summarized at 61 FR 1888 (January 24, 1996), seeking comment on three proposals for revising the mechanism for determining local markets. First, the Commission could substitute Nielsen Media Research's "designated market areas" or "DMAs"