

FEMA divest itself of its inventory of mobile homes and travel trailers which serve as disaster temporary housing and devolve this portion of the housing program to the States.

The need for providing actual structures to serve as disaster temporary housing is infrequent. The requirement occurs only when homes are so badly damaged they cannot be repaired quickly and when the amount of available rental housing in the area is insufficient to accommodate the number of applicants requiring temporary housing.

Historically, an average of approximately two percent of all disaster housing assistance provided was in the form of a created resource. However, FEMA believes the resources of various State agencies can be mobilized to provide this housing in a timely and cost efficient manner.

FEMA will continue to administer that portion of the housing program that provides eligible applicants with direct financial assistance to repair their homes or rent other living accommodations. FEMA will also continue to make applicant eligibility determinations and refer those requiring created housing to the State.

FEMA and the State will enter into a cooperative agreement under which the State will perform the housing mission with appropriate program and administrative funding from FEMA, through the agreement or through a disaster grant. Details on the funding mechanism have yet to be determined.

Dated: July 31, 1996.

William C. Tidball,

Associate Director, Response and Recovery.

[FR Doc. 96-21295 Filed 8-20-96; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 94-06]

Financial Responsibility Requirements for Nonperformance of Transportation

AGENCY: Federal Maritime Commission.

ACTION: Further notice of proposed rulemaking; Extension of time to comment.

SUMMARY: The proposed rule in this proceeding (61 FR 33059, June 26, 1996) would, *inter alia*, remove the current \$15 million coverage ceiling for nonperformance of transportation by passenger vessel operators, and replace the ceiling with sliding-scale coverage requirements keyed to passenger vessel

operators' financial rating, length of operation in United States trades and satisfactory explanation of claims for nonperformance of transportation. At the request of American Classic Voyages Co., and good cause appearing, the time for filing comments on the proposed rule is enlarged to September 25, 1996.

DATES: Comments due on or before September 25, 1996.

ADDRESSES: Send comments (original and fifteen copies) to: ¹ Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573-0001, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs Certification and Licensing, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573-0001, (202) 523-5796.

SUPPLEMENTARY INFORMATION: None.

Joseph C. Polking,
Secretary.

[FR Doc. 96-21240 Filed 8-20-96; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-268; FCC 96-317]

Advanced Television Systems and Their Impact on the Existing Television Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is continuing the process for implementation of the next era of broadcast television: digital television (DTV) service. In this action, the Commission proposes policies for developing the initial DTV Table of Allotments, procedures for assigning DTV frequencies, and plans for spectrum recovery. The Commission also proposes technical criteria for the allotment of additional DTV frequencies and provides a draft DTV Table of Allotments. These proposals are intended to provide frequencies on which broadcasters will operate digital television service and to plan for recovery of spectrum from television service for other uses.

DATES: Comments must be received on or before November 22, 1996, and reply

¹ The Commission also requests, but does not require, that commenters submit an electronic copy of their comments in ASCII, WordPerfect or Microsoft Word format.

comments on or before December 23, 1996.

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

FOR FURTHER INFORMATION CONTACT:

Bruce Franca (202-418-2470), Alan Stillwell (202-418-2470) or Robert Eckert (202-428-2470), Office of Engineering and Technology.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Sixth Further Notice of Proposed Rule Making in MM Docket No. 87-268, FCC 96-317, adopted July 25, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, N.W., Washington, D.C. The complete text of this decision also may be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, N.W., Washington, D.C. 20036, (202-857-3800).

Summary of the Sixth Further Notice of Proposed Rule Making

1. In this action, the Commission is continuing the DTV implementation process by proposing policies for developing the initial DTV allotments and procedures for assigning DTV frequencies to broadcasters. The Commission also proposed technical criteria for the allotment of additional DTV frequencies and provided a draft DTV Table of Allotments. The draft Table, which shows how digital frequencies might be allotted in individual markets, is based on the principles of accommodating all eligible broadcasters, replicating existing service areas, and sound spectrum management. The Commission stated that, while it expects the final DTV Table of Allotments to be based on these principles, the Table issued in this Further Notice is a draft and revisions are anticipated. The Commission's staff will work with broadcasters and other parties to revise the Table as appropriate. The Commission said that its goals in this phase of the proceeding are to ensure that the spectrum is used efficiently and effectively through reliance on market forces, and to ensure that the introduction of digital television fully serves the public interest.

2. The Commission is proposing several primary objectives for guiding the development of DTV allotments and assignments to ensure that broadcasters will be able to transition their transmitting facilities to DTV service. The first of these principles is to fully accommodate all eligible broadcasters,

i.e., the Commission will attempt to provide a second channel for DTV service for all existing NTSC broadcasters. Eligible broadcasters include: (1) all full service television broadcast stations licensees; (2) permittees authorized as of October 24, 1994; and (3) all parties with applications for a construction permit on file as of October 24, 1991, who are ultimately awarded full-service broadcast station licenses. This approach would ensure that all full service broadcasters are able to provide digital TV service.

3. The second objective is to provide, to the extent possible, all existing broadcasters with a DTV service area that is comparable to their existing NTSC service area (service replication). Broadcasters would thus be assigned channels that replicate the service areas of their existing stations.

4. The third objective is to attempt to minimize all unavoidable interference without preference to either NTSC or DTV service. The proposed allotment approach would balance unavoidable interference among both NTSC and DTV stations equally.

5. The Commission stated that it intends to consider a spectrum plan under which all future digital TV service would eventually be located in a core region of the existing VHF and UHF broadcast spectrum, namely the spectrum at VHF channels 7–13 and UHF channels 14–51. This is the area of the TV spectrum that is technically best suited for the transmission of DTV. Under this plan, the Commission would attempt to provide all broadcasters with access to a 6 MHz channel for DTV broadcasting within the core region. Because of the limited availability of spectrum and the need to accommodate all existing facilities with minimal interference among stations, however, some broadcasters would be provided transition DTV channels outside this area. These broadcasters would move their DTV operations to a channel in the core spectrum when one became available. This plan would permit the eventual recovery of 138 MHz of spectrum nationwide. This spectrum would be obtained from the lower VHF channels, *i.e.*, channels 2–6, and the upper UHF channels, *i.e.*, channels 52–69. The Commission further observed that this plan may facilitate the early recovery of channels 60–69.

6. The FNPRM also asks for comment on an option suggested by the Association of Maximum Service Television, Inc. This approach would not attempt to concentrate DTV allotments in a core area of the spectrum. Since all channels would be

available, such an approach could theoretically provide for some degree of improved service area replication and interference performance. Such an approach might also have less impact on low power TV and TV translator stations. On the other hand, this option would place more DTV stations on channels that are less desirable for broadcast operations. Further, early recovery of spectrum would be more difficult and therefore less likely.

7. The Commission also presented a number of proposals for other policies, procedures and technical criteria to be used in allotting DTV channels. These proposals include: (1) specifying the use of existing NTSC transmitter site coordinates as the reference points for the new DTV allotments; (2) deleting all existing vacant NTSC allotments to provide sufficient spectrum for DTV and, where feasible, replacing deleted NTSC vacant noncommercial allotments with new DTV allotments; (3) avoiding the use of TV channels 3, 4, and 6 to minimize interference to cable terminal devices, VCRs and FM radio service; and, (4) protecting land mobile authorizations on channels 14–20. In addition, the Commission requested comments and proposals regarding an appropriate frequency labeling scheme for DTV service.

8. The Commission proposed to continue the secondary status of low power TV and TV translator stations. However, it requested comment on ways in which to minimize the impact on low power operations.

9. The construction of an actual Table of Allotments is an extremely complex and difficult task. To fulfill this task, the Commission's staff has developed sophisticated operations research methodology and computer software that provides the capability to produce allotment/assignment table based on alternative policy plans and to incorporate alternate allotment schemes that may be negotiated by broadcasters.

10. The Commission proposed an initial DTV Table of Allotments that is based on the principles, policies and methodologies described above. This Table, which provides a DTV allotment for all 1578 eligible broadcasters and also allows for an additional 143 DTV allotments to be reserved for future noncommercial use, meets all of the Commission's proposed policy objectives.

11. The Commission stated that it intended to provide broadcasters an opportunity to negotiate changes to the proposed DTV Table of Allotments and would consider such negotiated changes in the development of the final DTV Table. Specifically, the Commission

indicated that it will permit broadcasters within a community to exchange among themselves their designated allotments. It also stated that it will permit broadcasters to develop alternative allotment/assignment plans for their local area.

12. The Commission stated that, consistent with its proposal to eliminate all existing vacant allotments, it will not accept additional applications for new NTSC stations that are filed after 30 days from the publication of this Further Notice in the Federal Register. This will provide time for filing of any applications that are currently under preparation. The Commission stated that as it processes the applications on file now and those that are filed before the end of this filing opportunity, it will continue its current policy of considering requests for waiver of its 1987 freeze *Order* (*Order*, RM–5811, Mimeo No. 4074, released July 17, 1987), on a case-by-case basis. When applications for new stations are accepted for filing, the Commission will continue its process of issuing Public Notices that "cut-off" the opportunity for filing competing, mutually-exclusive applications. In connection with these cut-off notices, it will allow additional competing applications to be filed after the end of this filing opportunity. The Commission indicated that while it anticipates that these applications for new NTSC TV stations on existing allotments will not have a significant negative impact on the development of the DTV Table of Allotments, it reserves the right, in specific cases, to determine that the public interest is better served if they are not granted, granted only if amended to specify reduced facilities, or granted only with a condition that limits the interference that the station would be allowed to cause.

13. The Commission stated that it also will not accept petitions for rule making proposing to amend the existing TV Table of Allotments in Section 73.606(b) of the rules, 47 CFR Section 73.606(b), to add an allotment for a new NTSC station. Other petitions to amend the TV Table of Allotments (for example, proposing to change a station's community of license or altering the channel on which it operates, including changes in which channel allotment in a community is reserved for noncommercial educational use) can continue to be filed, but any such changes to the table that include a modification of a station's authorization will be conditioned on the outcome of this DTV rule making proceeding. This termination of the opportunity to file petitions to add NTSC allotments for new stations is effective as of the close

of business on the date of adoption of this Further Notice. Any petitions that are currently on file and any rule making proceedings that are currently open will be addressed on a case-by-case basis, taking into account the impact on the draft DTV allotment table. For those pending cases in which a new NTSC channel is allotted, the Commission will make an exception to its decision to cease accepting applications for new NTSC stations, and the accompanying allotment Report and Order will specify the period of time for filing applications.

14. The Commission stated that its decision to cease accepting applications for new NTSC TV stations 30 days after publication of this Further Notice in the Federal Register and new petitions for rule making to add new NTSC allotments immediately, as indicated above, is based on the need to preserve the available spectrum for use by new DTV stations during the transition. The draft DTV Table provided herein was developed on the assumption that the existing vacant NTSC allotments for which no construction permit application is pending will be deleted. It is necessary to delete these allotments in order to provide a DTV allotment for all eligible broadcast stations. The Commission also stated that it is necessary to terminate the licensing of new NTSC as quickly as possible in order to begin the process of transitioning to DTV service. To continue to accept new applications for NTSC stations, now that the actual start of this new service is approaching, could potentially prolong the transition process. The Commission indicated that the additional 30 day period it has provided for filing new applications for NTSC construction permits will accommodate any parties who may be in the process of preparing such applications now. Accordingly, as allowed under Section 553 (b) and (d) of the Administrative Procedures Act, the Commission found that there is good cause for implementing these new policies without a notice and comment procedure and that such a procedure would be contrary to its efforts to implement DTV service.

15. With regard to modifications of existing stations, the Commission stated that it is concerned that the service area replications to be provided by the draft Table set forth herein could be substantially affected if stations make changes to their technical operations, *i.e.*, maximum effective radiated power (ERP), antenna height above average terrain (HAAT), and transmitter locations from this point on. Furthermore, continuing changes in

station operations could affect broadcasters ability to comment meaningfully on the proposed Table and our ability to finalize the DTV Table of Allotments. The Commission indicated, however, that it is also concerned that freezing modifications to existing NTSC stations could pose hardships for broadcasters. The Commission noted that in many cases it may be possible to permit modification of existing stations without affecting the DTV Table. It therefore stated that it will continue to permit the filing of applications to modify the technical facilities, *i.e.*, ERP, HAAT or transmitter location, of existing or authorized NTSC TV stations. However, in order to preserve our ability to develop the DTV Table, the Commission stated that it will henceforth condition the grant of applications for modifications of technical facilities, including those for applications on file before the date of the adoption of this Further Notice but granted after that date, on the outcome of its final decision on the DTV Table of Allotments. To the extent that an existing station's service or potential for causing interference are extended into new areas by grant of an application, the condition may require the station's authorized facilities to be reduced or modified. The Commission is seeking comment on whether this condition should involve different consequences for applications for modifications on file as of the date of adoption of this Further Notice, as opposed to such applications filed after that date.

Procedural Matters

16. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR Sections 1.415 and 1.419, interested parties may file comments on or before November 22, 1996, and reply comments on or before December 23, 1996. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. You may also file comments electronically via the internet at dtvallotments@fcc.gov.

17. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities by the policies and rules proposed in this Further Notice of Proposed Rule Making in MM Docket No. 87-268. Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Further Notice provided above in Section X.

Need for and Objectives of the Proposed Rule: In this rule making action the Commission presents proposals for the policies, procedures and technical criteria that it will use in allotting channels for broadcast digital television (DTV), plans for the recovery of a portion of the spectrum currently allocated to TV broadcasting, and a draft DTV Table of Allotments. The objective of this action is to obtain comment and information that will assist the Commission in allotting DTV channels. The Commission seeks to allot DTV channels in a manner that is most efficient for broadcasters and the public and least disruptive to broadcast television service during the period of transition from NTSC to DTV service and to recover spectrum.

Legal Basis: The proposed action is authorized under Sections 4(i), 7, 301, 302, 303 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157, 301, 302, 303 and 307.

Description and Estimate of the Number of Small Entities To Which the Rules Will Apply

(1) Definition of a "Small Business"

Under the Regulatory Flexibility Act, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. § 601(6). The Regulatory Flexibility Act, 5 U.S.C. § 601(3) generally defines the term "small business" as having the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. § 632. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration ("SBA"). According to the SBA's regulations, entities engaged in television broadcasting may have a maximum of \$10.5 million in annual receipts in order to qualify as a small business concern. 13 CFR 121.201. This

standard also applies in determining whether an entity is a small business for purposes of the Regulatory Flexibility Act.

Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register." While we tentatively believe that the foregoing definition of "small business" greatly overstates the number of television broadcast stations that are small businesses and is not suitable for purposes of determining the impact of the new rules on small business, we did not propose an alternative definition in the IRFA. Accordingly, for purposes of this Further Notice of Proposed Rule Making, we utilize the SBA's definition in determining the number of small businesses to which the rules apply, but we reserve the right to adopt a more suitable definition of "small business" as applied to television broadcast stations and to consider further the issue of the number of small entities that are television broadcasters in the future. Further, in this IRFA, we will identify the different classes of small television stations that may be impacted by the rules adopted in this Further Notice of Proposed Rule Making.

(2) Issues in Applying the Definition of a "Small Business"

The SBA has defined "annual receipts" specifically in 13 CFR part 104, and its calculations include an averaging process. We do not currently require submission of financial data from licensees that we could use to apply the SBA's definition of a small business. Thus, for purposes of estimating the number of small entities to which the rules apply, we are limited to considering the revenue data that are publicly available, and the revenue data on which we rely may not correspond completely with the SBA definition of annual receipts.

Under SBA criteria for determining annual receipts, if a concern has acquired an affiliate or been acquired as an affiliate during the applicable averaging period for determining annual receipts, the annual receipts in determining size status include the receipts of both firms. 13 CFR 121.104(d)(1). The SBA defines affiliation in 13 CFR 121.103. While the Commission refers to an affiliate generally as a station affiliated with a

network, the SBA's definition of affiliate is analogous to our attribution rules. Generally, under the SBA's definition, concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. 13 CFR

121.103(a)(1). The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. 13 CFR 121.103(a)(2). Instead of making an independent determination of whether television stations were affiliated based on SBA's definitions, we relied on the industry data bases available to us to afford us that information.

(3) Estimates Based on Census and BIA Data

According to the Census Bureau, in 1992, there were 1,155 out of 1,478 operating television stations with revenues of less than ten million dollars. This represents 78 percent of all television stations, including non-commercial stations. See *1992 Census of Transportation, Communications, and Utilities, Establishment and Firm Size*, May 1995, at 1-25. The Census Bureau does not separate the revenue data by commercial and non-commercial stations in this report. Neither does it allow us to determine the number of stations with a maximum of 10.5 million dollars in annual receipts. Census data also indicates that 81 percent of operating firms (that owned at least one television station) had revenues of less than \$10 million.

We have also performed a separate study based on the data contained in the BIA Publications, Inc. Master Access Television Analyzer Database, which lists a total of 1,141 full-power commercial television stations. It should be noted that the percentage figures derived from the data base may be underinclusive because the data base does not list revenue estimates for noncommercial educational stations, and these are therefore excluded from our calculations based on the data base. Non-commercial stations would be subject to the allotment rules and policies proposed herein. The data indicate that, based on 1995 revenue estimates, 440 full-power commercial television stations had an estimated revenue of 10.5 million dollars or less. That represents 54 percent of commercial television stations with revenue estimates listed in the BIA program. The data base does not list estimated revenues for 331 stations. Using a worst case scenario, if those 331

stations for which no revenue is listed are counted as small stations, there would be a total of 771 stations with an estimated revenue of 10.5 million dollars or less, representing approximately 68 percent of the 1,141 commercial television stations listed in the BIA data base.

Alternatively, if we look at owners of commercial television stations as listed in the BIA data base, there are a total of 488 owners. The data base lists estimated revenues for 60 percent of these owners, or 295. Of these 295 owners, 158 or 54 percent had annual revenues of \$10.5 million or less. Using a worst case scenario, if the 193 owners for which revenue is not listed are assumed to be small, the total of small entities would constitute 72 percent of owners.

In summary, based on the foregoing worst case analysis using census data, we estimate that our rules will apply to as many as 1,155 commercial and non-commercial television stations (78 percent of all stations) that could be classified as small entities. Using a worst case analysis based on the data in the BIA data base, we estimate that as many as approximately 771 commercial television stations (about 68 percent of all commercial television stations) could be classified as small entities. As we noted above, these estimates are based on a definition that we believe greatly overstates the number of television broadcasters that are small businesses. Further, it should be noted that under the SBA's definitions, revenues of affiliates that are not television stations should be aggregated with the television station revenues in determining whether a concern is small. The estimates overstate the number of small entities since the revenue figures on which they are based do not include or aggregate such revenues from non-television affiliated companies.

The proposed DTV Table of Allotments would also affect low power television (LPTV) and TV translator stations. The Commission's records indicate that currently, there are about 1,750 licensed LPTV stations and 5,050 licensed TV translators. The Commission has also issued about 1,400 construction permits for new LPTV stations. We do not collect individual station financial data for low power television (LPTV) Stations and TV translator stations. However, based on its experience with LPTV and TV translator stations, the Commission believes that all such stations have revenues of less than \$10.5 million. We also seek information on the number of low power stations that operate commercially and noncommercially.

(4) Alternative Classification of Small Stations

An alternative way to classify small television stations is by the number of employees. The Commission currently applies a standard based on the number of employees in administering its Equal Employment Opportunity Rule (EEO) for broadcasting. Thus, radio or television stations with fewer than five full-time employees are exempted from certain EEO reporting and recordkeeping requirements. We estimate that the total numbers of commercial and noncommercial television stations with 4 or fewer employees are 132 and 136, respectively.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements: The proposals set forth in this action would involve no changes to reporting, recordkeeping and other compliance requirements beyond what is already required under the current regulations.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules: None.

Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact of Small Entities and Accomplish Stated Objectives: The DTV Table of Allotments proposed in this action will affect all of the commercial and noncommercial broadcast television stations eligible for a DTV channel in the transition period and a significant number of the low power and TV translator stations. It is expected that the proposed allotments will constitute the population of channels on which broadcasters will operate DTV service in the future. Allotment of these channels is therefore expected to be very important to the broadcast community. All of the affected stations will have to obtain new transmission facilities and, to a varying extent, production equipment to operate on the new DTV channels. The cost of equipment to operate on these new channels is expected to vary from \$750,000 upwards to \$10 million. The actual cost of equipment is expected to vary in accordance with the degree to which the station becomes involved in DTV programming and origination.

The proposed DTV Table of Allotments will also affect low power television (LPTV) and TV translator stations. Total investment in the LPTV and TV translator facilities is estimated to be about \$150–\$250 million. Studies by the FCC staff indicate that there is not sufficient spectrum to accommodate both low power stations and DTV stations. These studies estimate that up

to about one-third of all LPTV stations and one-quarter of all TV translators may have to cease operation to make way for DTV stations. In general, most LPTV stations within major markets will be affected, while rural operations will be affected to lesser degrees. In this regard, we note that, at our December 12, 1995, *en banc* meeting on digital television, Mr. Sherwin Grossman of the Community Broadcasters Association expressed concern about the impact that implementation of DTV service would have on the low power TV industry. He argued that to avoid affecting low power TV service we should pick a date or range of dates and require all existing stations to convert to DTV service, rather than giving them a second channel, and that we should not look to recover TV spectrum until everyone who needs broadcast service is able to receive it. Similarly, Abacus Television (Abacus), in comments submitted in response to our *Fourth Further Notice and Third Notice of Inquiry* in this proceeding, 60 FR 42130 (August 15, 1995), argued that we should attempt to protect low power stations in order to protect the unique and diverse services that low power stations provide the public.

The process of creating DTV channel allotments is an optimization task that offers a great number of possible alternative “mixes” of channel allotments for each community. In evaluating the merits of allotment alternatives, the Commission intends to make every effort to accommodate the needs and concerns of all affected parties. We also intend to consider negotiated allotment/assignment agreements submitted by broadcasters. We expect that the final Table that is adopted will contain a number of revisions of the allotments proposed herein.

As indicated above, we also intend to consider policies for minimizing the impact of our DTV allotment and spectrum recovery proposals on low power stations. In particular, we are proposing to permit displaced low power stations to apply for a suitable replacement channel in the same area without being subject to competing applications. We will also permit low power stations to operate until a displacing DTV station or new service provider is operational. Further, we are proposing to allow low power stations to file non-window displacement relief applications to change their operating parameters to cure or prevent interference caused to or received from a DTV station or other protected service. Finally, we intend to explore other possibilities that would preserve access

to LPTV programming. One approach would be to require DTV stations to devote a portion of their channel capacity to the carriage of local LPTV stations that are displaced. Another approach would be to require that all full service broadcasters in a market agree on some arrangement for the carriage of the programming of displaced LPTV stations during the transition.

We recognize that in addition to the costs incurred to upgrade engineering and technical operations from analog to digital transmission, small stations will also incur costs to promote their new channel identification. Such costs may include: advertising and publicity on-air and additional media; changes to the signage mounted in studio and newsroom sets; channel identification on vehicles, camera/video equipment and accessories; graphic design, typesetting and printing costs for new stationary and paper products; and the production of sales marketing and promotional materials. We seek comment on the type of modifications, production and costs necessary to facilitate a transition to a new channel and the economic impact these expenses will have on small commercial and noncommercial television stations. We seek comment on whether the Commission should adopt measures that will assist small stations (as classified under either the SBA definition or their number of employees) in their transition, either in their cost to upgrade technical operations or new channel identification. If such measures should be taken, please provide recommendations and state with particularity what class of small stations should be the beneficiaries of such proposals.

It is possible that there may be some small stations that will be required to move a second time, and will incur additional costs, within a relatively short period of time, to promote their new DTV channel identification. We seek comments on how to minimize or offset these additional costs to a small station who is also subjected to a second move.

Ordering Clauses

18. In accordance with the proposals and actions described herein, it is ordered, that the Commission will not accept additional applications for new NTSC stations that are filed after 30 days from the date of publication of this Further Notice in the Federal Register. The Commission will continue to process applications for new NTSC stations that are currently on file and any new such applications that are filed

on or before 30 days from the date of publication of this Further Notice in the Federal Register in accordance with procedures and standards indicated herein. In addition, it is ordered that, effective immediately as of the close of business on the date of adoption of this Further Notice, the Commission will not accept any additional Petitions for Rule Making proposing to amend the existing TV Table of Allotments in Section 73.606(b) of its rules to add an allotment for a new NTSC station. It is further ordered that, effective immediately as of the close of business on the date of adoption of this Further Notice, the Commission will condition the grant of any modifications of the technical parameters of existing full service NTSC stations on the outcome of this rule making proceeding.

19. This action is being taken pursuant to authority contained in Sections 4(i), 7, 301, 302, 303 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157, 301, 302, 303 and 307. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR Sections 1.1202, 1.1203, and 1.1206(a).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission
William F. Caton,
Acting Secretary.

[FR Doc. 96-21261 Filed 8-20-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 96-D010]

Defense Federal Acquisition Regulation Supplement; Carbon Fiber

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to rescind the restriction on coal and petroleum pitch carbon fiber and move coverage of the restriction on polyacrylonitrile (PAN) carbon fiber to DFARS Subpart 225.71, since the restrictions are no longer statutory.

DATES: Comment date: Comments on the proposed rule should be submitted in writing to the address shown below on or before October 21, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D010 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 8048 of the Fiscal Year 1991 Defense Appropriations Act (Pub. L. 101-511) required DoD to acquire at least 50 percent of the DoD annual requirements for PAN carbon fiber from domestic sources by fiscal year 1992. Section 9040A of the Fiscal Year 1993 Defense Appropriations Act (Pub. L. 102-396) required DoD to acquire 75% of the DoD annual requirements for coal and petroleum pitch carbon fiber from domestic sources by fiscal year 1994. As a result of these statutory provisions, DFARS currently requires use of domestic coal and petroleum pitch carbon fiber and PAN carbon fiber in all acquisitions for major systems that are not yet in production. DoD has decided that the restriction on coal and petroleum pitch carbon fiber is no longer needed. However, as a matter of policy, DoD has decided to retain the restriction on PAN carbon fiber for at least several more years, in order to sustain the domestic suppliers and ensure that DoD will have continued access to the industrial and technological capabilities needed to meet its PAN carbon fiber requirements.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although this rule will open up to potential foreign competition the requirements for coal and petroleum pitch carbon fiber on major systems not yet in production, the only known domestic manufacturer of coal and petroleum pitch carbon fiber is a large business. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts

also will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 96-D010 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply. This interim rule does not impose any new information collection requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulation Council.

Therefore, 48 CFR Parts 225 and 252 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

225.7013 [Removed and reserved]

2. Section 225.7013 is removed and reserved.

225.7013-1 and 225.7013-2 [Removed]

3. Sections 225.7013-1 and 225.7013-2 are removed.

225.7020 [Removed and reserved]

4. Section 225.7020 is removed and reserved.

225.7020-1 and 225.7020-2 [Removed]

5. Sections 225.7020-1 and 225.7020-2 are removed.

6. Sections 225.7106 through 225.7106-3 are added to read as follows:

225.7106 Polyacrylonitrile (PAN) carbon fiber.

225.7106-1 Policy.

All new major systems must use U.S. or Canadian manufacturers or producers for all PAN carbon fiber requirements.

225.7106-2 Waivers.

Contracting officers may, with the approval of the head of the contracting activity, waive, in whole or in part, the requirement of the clause at 252.225-7022. For example, a waiver is justified if a qualified U.S. or Canadian source cannot meet scheduling requirements.

225.7106-3 Contract clause.

Use the clause at 252.225-7022, Restriction on Acquisition of Polyacrylonitrile (PAN) Carbon Fiber, in all acquisitions for major systems (as