

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Channel 258C1 at Geymon.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 98-7323 Filed 3-19-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-175; RM-9138]

### Radio Broadcasting Services; Presho, SD

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of West Wind Broadcasting, allots Channel 262A at Presho, South Dakota, as the community's first local aural transmission service. See 62 FR 44932, August 25, 1997. Channel 262A can be allotted to Presho in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 262A at Presho are North Latitude 43-54-24 and West Longitude 100-03-36. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** April 27, 1998. A filing window for Channel 262A at Presho, South Dakota, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 97-175, adopted March 4, 1998, and released March 13, 1998. 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, 1231 20th Street, NW., Washington, DC 20036.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by adding Presho, Channel 262A.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 98-7322 Filed 3-19-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 97-218; RM-9172]

### Radio Broadcasting Services; Colchester, IL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Gary G. Kidd, allots Channel 244A at Colchester, Illinois, as the community's second local FM transmission service. See 62 FR 58936, October 31, 1997. Channel 244A can be allotted to Colchester in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.2 kilometers (8.2 miles) southwest to avoid a short-spacing to the construction permit site of Station KRNQ(FM), Channel 242C2, Keokuk, Iowa. The coordinates for Channel 244A at Colchester are North Latitude 40-21-48 and West Longitude 90-55-41. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** April 27, 1998. A filing window for Channel 244A at Colchester, Illinois, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 97-218, adopted March 4, 1998, and released

March 13, 1998. 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, 1231 20th Street, NW., Washington, DC 20036.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Channel 244A at Colchester.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 98-7321 Filed 3-19-98; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 73 and 74

[MM Docket No. 87-268; FCC 98-24]

### Advanced Television Systems and Their Impact on the Existing Television Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has adopted an MO&O addressing 231 petitions for reconsideration of the Sixth R&O. This MO&O generally affirms the DTV channel allotments and other technical rules and procedures with certain minor modifications, including changes in its DTV allotment standards, operating rules and specific DTV allotments. This action will facilitate the conversion of over-the-air television broadcasting from the existing analog system to the new digital system.

**DATES:** Effective April 20, 1998, except for § 73.622(f)(4)(iv) which contains new or modified paperwork requirements and which will become effective May 19, 1998, following approval by the Office of Management and Budget,

unless timely notice of withdrawal is published in the **Federal Register**.

**ADDRESSES:** Comments on the proposed and/or modified information collections described herein are to be filed with the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, DC 20554. A copy of any such comments should also be submitted to Judy Boley, at the above address or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**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. For additional information regarding information collections contained in the *Memorandum Opinion and Order*, contact Judy Boley (202-418-0214).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order (MO&O)* in MM Docket No. 87-268, FCC 98-24, adopted February 17, 1998, and released February 23, 1998. 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, 1231 20th Street, N.W., Washington, D.C. 20036 (202-857-3800).

### **Summary of the Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order**

1. In the *MO&O*, the Commission has affirmed, with some minor modifications, its April 3, 1997, *Sixth Report and Order* in the DTV proceeding that assigns each broadcaster a new channel for DTV operations and allows TV broadcasters to "replicate" their existing NTSC service in converting to DTV. This action is in response to 231 petitions for reconsideration of the *Sixth Report and Order*.

2. The Commission made a number of modifications to its allotment policies and rules and to the DTV Table of Allotments in this action. It first adopted a core spectrum of channels 2-51 for DTV. This new core will eliminate industry uncertainty about the status of VHF channels 2-6. The new core will also provide more flexibility to address new technical information on DTV adjacent channel performance. In this regard, the new core will ensure that there is sufficient spectrum to eliminate DTV-to-DTV adjacent channel

interference situations. The new core will also provide more broadcasters with an in-core DTV channel and eliminate the need for second moves by many stations. In addition, the new core will help ease the impact of the transition on low power TV stations, which are small businesses that provided diverse programming and services to their communities. Further, it will promote diversity in services and television station ownership by increasing the opportunities for new entrants.

3. The Commission also adopted new measures to permit DTV stations to operate with increased power or take other measures to improve their coverage. DTV stations will be permitted to increase power, or modify their antenna height or transmitter location, where the requested change would not result in more than a *de minimis*, i.e., 2 percent, increase in interference to the population served by another station, unless the station already experienced interference to 10 percent or more of its population, or the change would result in the effected station receiving interference in excess of 10 percent of its population. In addition, UHF stations will be allowed to increase power within their service area up to 1000 kW by using antenna beam-tilting techniques, provided they meet the above standard for permissible interference.

4. The Commission next took steps to eliminate adjacent channel interference resulting from operation on DTV allotments. In particular, it changed 42 allotments to eliminate DTV-to-DTV adjacent channel situations where interference would occur, tightened the "emissions mask" that limits out-of-band emissions from DTV operation and provided flexibility in its administrative processes to encourage adjacent channel co-locations.

5. The Commission affirmed its decision to retain "secondary status" for low power television (LPTV) stations, but took additional steps to assist low power stations that may be displaced or otherwise impacted by DTV operations. In this regard, the Commission said it would consider LPTV or TV Translator stations eligible to seek a new channel without being subject to competing applications where they faced predicted interference either to or from any allotted full service DTV facility, and that such requests will be given priority over other low power applications. The Commission also used software developed by the Community Broadcasters Association to change 66 allotments in the DTV Table in order to avoid using a channel now used by one

or more low power stations. These changes provide the affected full power broadcasters with a new DTV channel that is equivalent in service replication and interference. In addition, the Commission modified its technical rules to improve sharing between low power and full power stations.

6. The Commission said that at the end of the DTV transition period, it would, on its own motion, consider establishing additional DTV noncommercial reserved allotments for existing noncommercial reserved NTSC allotments that cannot be replaced at this time.

7. The Commission modified its rules to allow television licensees and permittees to negotiate exchanges of DTV allotments on an intra-community, intra-market or inter-market basis where such changes do not cause interference to other stations or where all affected stations agree to accept any additional interference that may result. The Commission also recognized broadcasters' interest in the establishment of an industry committee system for coordination of DTV allotment changes. It therefore stated that it intends to initiate a rule making proceeding in the near future to seek comment on whether it should adopt such a committee system and, if so, procedures for its operation.

8. It further made a number of minor adjustments to its technical methodologies and standards for DTV allotments and the operation of stations on those allotments.

9. Finally, the Commission modified 29 DTV allotments in response to individual station requests. Overall, with these changes and the changes to avoid adjacent channel interference and conflicts with low power stations indicated above, the Commission modified a total of 143 DTV allotments. The revised DTV Table and associated technical parameters for station operation are available for inspection on the internet at [www.fcc.gov](http://www.fcc.gov) and at the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554 during regular business hours.

### **Procedural Matters**

10. *Paperwork Reduction Act of 1995 Analysis.* This *Memorandum Opinion and Order* contains either a new or modified information collection. As part of its continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this order, as required by the Paperwork Reduction Act of 1995, Public Law 104-

13. Public and agency comments are due May 19, 1998. Comments should address: (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. Written comments must be submitted on the proposed and/or modified information collections on or before May 19, 1998. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov). For additional information regarding information collections contained in the *Memorandum Opinion and Order* contact Judy Boley at 202-418-0214.

11. *Supplemental Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act (RFA),<sup>1</sup> an Initial Regulatory Flexibility Analysis was incorporated into the *Sixth Further Notice of Proposed Rule Making* in this proceeding,<sup>2</sup> and a Final Regulatory Flexibility Analysis (FRFA) was incorporated into the subsequent *Sixth Report and Order*.<sup>3</sup> As described below, one Petition for Reconsideration of the *Sixth Report and Order* (62 FR 26684; May 14, 1997) raised an issue concerning the FRFA. The present *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* addresses that reconsideration petition, among others. This associated Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) also addresses that petition, and conforms to the RFA.<sup>4</sup>

#### A. Need for, and Objectives of, this Memorandum Opinion and Order

12. In the *Sixth Report and Order*, the Commission adopted policies, procedures and technical criteria for use

in conjunction with broadcast digital television (DTV), adopted a DTV Table of Allotments, adopted a plan for the recovery of a portion of the spectrum currently allocated to TV broadcasting, and provided procedures for assigning DTV frequencies. In the present *Memorandum Opinion and Order*, the Commission addresses petitions for reconsideration of the *Sixth Report and Order*. Throughout this proceeding, we have sought 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. We wish to ensure that the spectrum is used efficiently and effectively through reliance on market forces, and ensure that the introduction of digital TV fully serves the public interest.

#### B. Summary of Significant Issues Raised by the Public In Response to the FRFA

13. One petition for reconsideration, that of Skinner Broadcasting, Inc. (Skinner),<sup>5</sup> raises various issues, one of which is in direct response to the FRFA contained in the *Sixth Report and Order*. Skinner states that the Commission conceded in the *Sixth Report and Order* that, as a result of its actions, many low power television (LPTV) and TV translator stations would be displaced. Nonetheless, argues Skinner, the Commission "made no proffer . . . of alternative digital channel allotment configurations" that might have reduced the number of such displacements.<sup>6</sup> Skinner notes that an *ex parte* presentation by Community Broadcasters Association (CBA) offered an alternative allotment table, and that alternative was not discussed in the *Sixth Report and Order* or its FRFA. Skinner states that the Commission was apparently satisfied that the interests of LPTV and TV translator stations deserved no further consideration, given that such operations are "secondary" under current licensing.<sup>7</sup> Skinner argues that "alternatives obviously exist[ed]" that might have avoided subsequent displacements, and requests that the Commission reconsider the allotment table adopted in the *Sixth Report and Order*.<sup>8</sup>

14. We disagree with the contention that the Commission failed to consider alternatives that could have further

assisted LPTV stations, TV translator stations, and other possible small entities in the DTV transition process. As quoted by Skinner in a footnote in its reconsideration petition,<sup>9</sup> the previous FRFA specifically described the displacement issue, with reference to the text of the *Sixth Report and Order*, and noted that "[o]ne alternative to this approach would have been to permit existing LPTV and TV translator stations to remain on their incumbent channels; this approach was not chosen because it would have resulted in providing allotments for fewer than all full service licensees." Elsewhere in the FRFA, we stated that, in addition to the "secondary status" reason for the Commission's allotment decision, the decision was consistent with "the primary allotment objective . . . to develop a DTV Table of Allotments that provides a channel for all eligible broadcasters, consistent with the provisions of the 1996 Telecommunications Act regarding initial eligibility for DTV licenses."<sup>10</sup> Discussion at that point cross-referenced the lengthier discussions in the primary text of the *Sixth Report and Order* concerning LPTV and TV translator stations and the "secondary status" issue, including reference to case law.<sup>11</sup> In addition, both the *Sixth Report and Order* and its FRFA discussed alternative approaches,<sup>12</sup> although not the specific approach of CBA cited by Skinner. Last, as noted by Skinner, the FRFA discussed various policies adopted to mitigate the effects of displacement.

15. We note that the CBA *ex parte* presentation cited by Skinner was dated March 26, 1997, which would have been eight days prior to adoption of the *Sixth Report and Order*. In a proceeding as lengthy as this, that timing was unfortunate, but the Commission did consider other CBA positions submitted earlier. Also, we note that CBA has currently submitted another allocation proposal, which, in the present *Memorandum Opinion and Order*, we have adopted in part. This other proposal is also discussed later in this Supplemental FRFA, in Section E ("Steps Taken to Minimize Significant Economic Burdens on Small Entities, and Significant Alternatives Considered").

<sup>1</sup> See 5 U.S.C. §§ 603, 604. The RFA, see 5 U.S.C. § 601 et seq., has been amended by the Contract With America Advancement Act of 1996, Public Law 104-5-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> 11 FCC Rcd 10968, 11060 (1996).

<sup>3</sup> 12 FCC Rcd 14588, 14768 (1997).

<sup>4</sup> See 5 U.S.C. § 604.

<sup>5</sup> Skinner Broadcasting, Inc., Petition for Reconsideration, filed June 13, 1997. The Skinner petition is also discussed in this context in the present *Memorandum Opinion and Order*, in Section III(F).

<sup>6</sup> *Id.* at 7.

<sup>7</sup> *Id.* at 7-8.

<sup>8</sup> *Id.* at 8.

<sup>9</sup> *Id.* at 8 n.5.

<sup>10</sup> FRFA, 12 FCC Rcd at 14769.

<sup>11</sup> *Id.* at 14769 n.8 (citing paragraphs 11 and 113-147 of the *Sixth Report and Order*).

<sup>12</sup> *Sixth Report and Order*, 12 FCC Rcd at 14593-95; FRFA, 12 FCC Rcd at 14768-69.

*C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply*

16. As noted, a Final Regulatory Flexibility Analysis was incorporated into the *Sixth Report and Order*.<sup>13</sup> In that analysis, we described in detail the small entities that might be significantly affected by the rules adopted in the *Sixth Report and Order*.<sup>14</sup> Those entities included full service television stations, TV translator facilities, and LPTV stations. In addition, while we did not believe that television equipment manufacturers, manufacturers of television equipment used by consumers, and computer manufacturers constituted regulated entities for the purpose of that previous FRFA, we included them in the analysis of the FRFA because we thought that some rule changes and textual discussions in the *Sixth Report and Order* might ultimately have some effect on equipment compliance. In the present *Memorandum Opinion and Order* we address reconsideration petitions filed in response to the *Sixth Report and Order*. In this present Supplemental FRFA, we hereby incorporate by reference the description and estimate of the number of small entities from the previous FRFA in this proceeding.<sup>15</sup>

*D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements*

17. The rules adopted will result in one change in current reporting, Recordkeeping, or other compliance requirements: an application will be required to be filed for those entities wishing to increase station power within their service area through the use of beam tilting techniques.

*E. Steps Taken to Minimize Significant Economic Burdens on Small Entities, and Significant Alternatives Considered*

18. As noted in the previous FRFA, the DTV Table of Allotments 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 LPTV and TV translator stations.<sup>16</sup> LPTV and TV translator stations, especially, are likely to be small entities. It is expected that the allotments will constitute the

population of channels on which broadcasters will operate DTV service in the future. Affected stations will need to modify or obtain new transmission facilities and, to a varying extent, production equipment to operate on the new DTV channels. 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.

19. As described in the present *Memorandum Opinion and Order*,<sup>17</sup> we continue to believe that the general principles and priorities used for the development of the DTV allotments/assignments remain appropriate. We reaffirm our approach to provide all eligible broadcasters with the temporary use of a second channel that, to the extent possible, will allow them to replicate the service areas of their existing NTSC operations. We continue to find that such an approach will promote the orderly transition of DTV by broadcasters and foster the provision of service to the public. Our actions represent a balancing of various factors.

20. In this regard, certain petitioners have suggested that certain "targeted and limited adjustments" to the DTV Table of Allotments are needed. Considering this and other information, we have determined to make a number of limited changes in the Table in order to prevent the loss of DTV service and to minimize the impact of DTV operations on existing NTSC service.<sup>18</sup> In this regard, for example, we have reviewed certain DTV-to-DTV adjacent channel situations and are modifying the DTV allotments to eliminate these situations in a number of instances. Specifically, we are making changes to 42 DTV allotments, to resolve cases where use of adjacent channels is no longer acceptable and would impact our service replication and interference goals. We also are making a number of modifications to our technical rules for DTV operation to further reduce the potential for interference between DTV stations that operate on adjacent channels in the same area. In addition, we are making 29 allotment changes to address requests by individual petitioners, for a total of 71 changes.

21. A number of parties representing low power interests argue that the plan for early recovery of channels 60–69 will adversely impact LPTV and TV translator stations.<sup>19</sup> Again balancing various interests, we have affirmed our basic plan to recover a portion of the

existing television spectrum and our earlier decision to permit low power stations to continue to operate on channels 60–69 on a secondary basis through the transition process.<sup>20</sup> As set forth in the *Report and Order* in ET Docket No. 97–157, released January 6, 1998,<sup>21</sup> we have reallocated channels 60–69 for public safety and a broad range of other services, including broadcasting, in accordance with the requirements of the Balanced Budget Act of 1997. However, in that decision, we stated that low power stations will be allowed to operate on these channels, provided no interference is caused to primary users. We also encouraged, wherever possible, private negotiations between low power and new service providers to resolve interference problems in a manner which is acceptable and beneficial to both parties.

22. A number of petitioners have requested that we reconsider our decision to defer the determination of the final core spectrum, pending information on the suitability of channels 2–6 for DTV service. Some also request that we expand or amend the DTV core spectrum to include channels 2–6. In reconsidering this matter, we now believe that the most desirable course of action is to expand the core to include all channels 2–51.<sup>22</sup> While we recognize that this change will reduce the amount of spectrum to be recovered by 30 MHz, we believe that the benefits of expanding the core spectrum outweigh the need for recovery of either channels 2–6 or 47–51. In particular, the change will eliminate certain planning uncertainties, reduce the number of stations required to make second channel moves, increase the availability of channels and thereby promote competition and diversity, and help eliminate DTV-to-DTV adjacent channel interference situations. Importantly for small entities, this expansion of the core will reduce the impact of the transition on low power operations. In this regard, channels 2–6 and 47–51 now support a significant number of LPTV and TV translator stations. The low VHF channels, for example, have some of the highest concentration of low power stations. Expanding the core to include channels 2–6 may eliminate the eventual displacement of most of these stations. In addition, expanding the core will also provide low power stations with more channels and greater

<sup>13</sup> 12 FCC Red 14588, 14768(1997).

<sup>14</sup> See Section C of the previous Final Regulatory Flexibility analysis, "Description and Estimate of the Number of Small Entities to Which the Rules Will Apply," at 12 FCC Red at 14770–76.

<sup>15</sup> *Id.*

<sup>16</sup> 12 FCC Red at 14776.

<sup>17</sup> *Memorandum Opinion and Order* at Sections III (A) and (F).

<sup>18</sup> *Id.* at Section III(E).

<sup>19</sup> *Id.* at Section III(A).

<sup>20</sup> *Id.*

<sup>21</sup> Document No. FCC 97–421.

<sup>22</sup> *Memorandum Opinion and Order* at Section III(B).

opportunities to start new stations and relocate existing stations.

23. Some licensees, including noncommercial stations, express concern regarding the additional burden that might be placed on stations that are provided transitional DTV channels outside the core spectrum. These parties generally state that because they will have to relocate their DTV operations to channels within the core spectrum they will have to endure additional costs and be placed at a disadvantage with respect to their competitors. They state that the necessity of a "double move" (building facilities twice), if it comes to that, represents disparate treatment of similarly situated broadcasters. Recognizing these concerns, and as explained more fully in the *Memorandum Opinion and Order*,<sup>23</sup> we have attempted to minimize to the extent possible the number of out-of-core DTV allotments in developing the DTV Table. By expanding the core of channels, there will be only 189 stations with out-of-core DTV allotments. All but 12 of these stations have existing NTSC channels within the core spectrum to which they may relocate at the end of the transition period. In addition, to the extent that in-core channels become available during the transition, we will attempt to further reduce the number of out-of-core allotments in any future amendments to the Table of Allotments. We have not, however, determined to modify our "no interference criteria," because most out-of-core allotments occur in the most congested areas of the country where we have already permitted some interference in order to achieve our goal of full accommodation and to maximize the number of in-core allotments. We also do not find it practicable to require stations to choose now the channel they intend to keep following the transition. Regarding the special burdens perhaps placed on certain noncommercial public television licensees because of their reliance on federal, state and private contributions to raise funds, we are initiating a separate proceeding to seek comment on the ability of the licensees to use the DTV channel capacity for commercial purposes. In the interim, we are not adopting special provisions or priorities for PTV stations, but will consider their concerns on a case-by-case basis. Also on a case-by-case basis, we will consider requests by stations with both NTSC and DTV channels outside the core area to defer the construction of their DTV station beyond the current construction deadline, or to convert their operations directly to DTV at the end of the

transition, where such stations can show that implementing DTV in accordance with our schedule will cause undue hardship to their operations.

24. In the *Sixth Report and Order*,<sup>24</sup> we allotted DTV channels using a "service replication/maximization" concept that was suggested by a variety of broadcast industry interests and representatives. Under this approach, we specified for each DTV allotment a maximum permissible effective radiated power (ERP) and antenna height above average terrain (HAAT) that will, to the extent possible, provide for replication of the station's existing Grade B service area. Our actions were intended in part to reduce the disparity between existing UHF and VHF stations. We also provided rules and procedures for stations to "maximize," or increase, their service areas provided they do not cause interference to other stations. In response, some petitioners have raised concerns regarding difficulties that UHF stations may face under the service replication plan in providing DTV service within their core market or Grade A service areas and in competing with the higher-powered DTV service of existing VHF stations. Accordingly, to allow UHF stations to better serve their core market areas and to reduce the disparities that are inherent in the current service replication process, we have modified our rules to provide additional opportunities for stations to maximize their DTV coverage and service through increasing their power and/or making other changes in their facilities.<sup>25</sup> We are replacing the current standard that specifies that changes in DTV operations may not cause any new interference with a new *de minimis* standard along the lines suggested by certain petitioners. Under this new *de minimis* standard, stations will be permitted to increase power or make other changes in their operation, such as modification of their antenna height or transmitter location, where the requested change would not result in more than a 2 percent increase in interference to the population served by another station; provided, however, that no new interference may be caused to any station that already experiences interference to 10 percent or more of its population or that would result in a station receiving interference in excess of 10 percent of its population. In addition, we have adopted an approach that will allow stations to increase their

power within their existing DTV service areas using beam tilting techniques.

25. In the *Memorandum Opinion and Order*, we have made a series of decisions concerning LPTV and TV translator stations, which stations, as we noted earlier, are especially likely to be small entities.<sup>26</sup> As we have stated before, we wish to ensure the viability and survivability of LPTV and TV translator stations in a digital world. At this juncture, some petitioners again raise displacement concerns, and one petitioner noted earlier in this present Supplemental FRFA, Community Broadcasters Association (CBA), offers an alternative allotment table. CBA has also proposed that we recognize a presumption favoring potentially displaced LPTV stations that file a request to amend the DTV Table of Allotments. Recognizing these concerns, we have utilized the software algorithm and approach recommended by CBA, and have been able to identify a limited number of cases in certain areas of the country where it is possible to avoid using a channel occupied by low power stations by providing full service stations with an equivalent alternative DTV channel.<sup>27</sup> In particular, we have found 66 instances in which a channel change can be made that would not affect the operations of full service stations, and we are therefore modifying the Table to reflect these 66 DTV channel changes. We are not granting requests by low power licensees to change the channels of individual full service DTV allotments in order to avoid displacement of low power stations, because to do so would adversely affect the ability of full service stations to replicate their existing service and would also lead to increased interference. We will, however, consider changing DTV allotments to protect low power stations where the affected full service station agrees to the change. In this regard, we encourage low power and full service licensees to work together to develop modifications to the DTV Table that will preserve the service of low power stations.

26. In response to petitions requesting clarification of our displacement relief policies, and to assist in making such relief available in an equitable manner to all affected low power stations, we will consider an LPTV or TV translator station eligible for such relief where interference is predicted either to or from any allotted DTV facility.<sup>28</sup> Stations eligible under this criterion may apply for relief as of the effective

<sup>24</sup> *Sixth Report and Order*, 12 FCC Rcd at 14605-07; FRFA, 12 FCC Rcd at 1478.

<sup>25</sup> *Memorandum Opinion and Order* at Section III(D).

<sup>26</sup> *Id.* at Section III(F).

<sup>27</sup> *Id.* at Section III(F)(1).

<sup>28</sup> *Id.* at Section III(F)(2).

<sup>23</sup> *Id.* at Section III(C).

date of this Memorandum Opinion and Order. All LPTV and TV translator licensees on channels 60 to 69 are also eligible to file such displacement relief applications at any time. In addition, and as suggested by CBA, we are affording displacement relief applications priority over new station applications or other requests for modification by low power stations, including any such applications and requests that may be pending at the time the displacement relief application is filed. We will also permit displaced stations to seek modifications other than channel changes, including, where necessary, increases in effective radiated power up to the maximum allowed values. We are not, however, providing any additional priority for urban LPTV stations or PTV low power and TV translator stations in the displacement relief process, as requested by some petitioners. We believe that treating all potentially displaced low power stations in a fair and equitable manner is the most appropriate course of action.

27. In this regard, we wish to note: low power licensees are advised that the channels considered as candidates for assignment to land mobile services in eight major markets under GEN Docket No. 85-172 are available at this time for low power use and may be requested in displacement relief applications.

28. Some petitioners request that we eliminate or modify the new DTV protection requirement in Section 73.623 of our rules, which requires that co-channel NTSC operations provide an additional 19 dB of protection to DTV service at the edge of a DTV station's noise-limited service area. It is argued that the rule is not needed to avoid interference and will greatly complicate the task of finding new channels for displaced LPTV stations. They also request that we require DTV stations that are co-located with a lower adjacent channel LPTV station to match the frequency offset of the LPTV station as a method of reducing interference, and require the DTV station in such cases to cooperate in making the necessary arrangements for maintaining an offset between the two signals, including cost arrangements. We have rejected these requests, because the protection standard is required to ensure protection of DTV service.<sup>29</sup> We are, however, amending the low power television rules to specify the D/U values as a function of S/N values to provide a transition from 21 dB to 2 dB D/U for NTSC-into-DTV, and from 15 dB to 23 dB D/U for DTV-into-DTV.

These values are based on measurement data presented to our advisory committee. With regard to adjacent channel operation where a DTV station is immediately above an NTSC station, we agree that DTV stations that are co-located with a lower adjacent channel low power NTSC station should be required to cooperate and maintain the necessary offset to eliminate interference to the low power station. We note that the equipment necessary to lock to a common reference frequency is relatively inexpensive and should not be burdensome for a full power station. We believe that on balance the benefits of maintaining service from low power stations in such cases outweigh the relatively small incremental costs for full service stations. We therefore have amended the rules in this regard, which should benefit small entity stations.

29. Some petitioners have requested that low power stations be permitted to utilize digital operation immediately. While we recognize the desire of some low power operators to begin providing DTV service at the same time as full service stations, there are a number of issues in this context that still need to be addressed through a notice-and-comment rulemaking proceeding. We intend to initiate a separate proceeding on this, in the near future. As noted in the *Sixth Report and Order*,<sup>30</sup> for the time being we will consider requests by low power operators to operate DTV service on replacement channels on a case-by-case basis under our displacement relief policy.

30. Some petitioners request that we take steps to establish a permanent class of LPTV stations with primary allocation status. At this time, we are deferring consideration of this and similar issues. We will address these issues in a future action, when we address a similar petition for rulemaking submitted by CBA.<sup>31</sup>

31. Last, some petitioners request that we reconsider our previously stated intention to consider reimbursement for displaced low power stations in a separate proceeding. They argue that the issue of whether and how LPTV stations should be compensated is an integral part of the DTV allotment process and should not be deferred to a future proceeding. At this juncture, we do not believe that it is appropriate to require broadcasters to implement DTV and at the same time compensate secondary low power stations that are affected by

this required implementation.<sup>32</sup> We also continue to believe that compensation with regard to reclaimed spectrum is best addressed in proceedings that specifically consider the reallocation of spectrum and rules for new services. We note that this is consistent with our recent decision in our *Report and Order* in the channel 60-69 reallocation proceeding. In that proceeding we stated, however, that we will consider whether there are other steps that may be of benefit to LPTV and TV translator stations as we develop service rules for the new commercial spectrum.

32. *Report to Congress:* The Commission will send a copy of the *Memorandum Opinion and Order*, including this Supplemental FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. § 801(a)(1)(A). In addition, the Commission will send a copy of the *Memorandum Opinion and Order*, including the Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

#### Ordering Clauses

33. *Ordering Clauses.* In accordance with the actions described herein, it is ordered that part 73 of the Commission's rules is amended as set forth below. In addition, it is ordered that low power TV and TV translator stations eligible for displacement relief under the additional procedures adopted herein may apply for such relief at any time on or after the effective date of this *Memorandum Opinion and Order*. It is ordered that the rule amendments set forth herein shall be effective April 20, 1998. It is further ordered that the new or modified paperwork requirements contained in the new Section 73.622(f)(4)(iv) of the rules (which are subject to approval by the Office of Management and Budget) will become effective May 19, 1998, following OMB approval, unless a notice is published in the **Federal Register** stating otherwise. This action is taken pursuant to authority contained in sections 4(i), 7, 301, 302, 303, 307 and 336 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 157, 301, 302, 303, 307 and 336.

#### List of Subjects in 47 CFR Parts 73 and 74

Television.

<sup>30</sup> 12 FCC Rcd at 14653 n.263.

<sup>31</sup> CBA Petition for Rule Making, submitted Sept. 30, 1997.

<sup>32</sup> *Memorandum Opinion and Order* at Section III(F)(6).

<sup>29</sup> *Id.* at Section III(F)(3).

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

**Rule Changes**

Parts 73 and 74 of title 47 of the Code of Federal Regulations are amended as follows:

**PART 73—RADIO BROADCAST SERVICES**

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

2. Section 73.622 is amended by revising paragraphs (b), (c), (d), (e), (f), (g) and (h) to read as follows:

**§ 73.622 Digital television table of allotments.**

\* \* \* \* \*

(b) *DTV Table of Allotments.*

**ALABAMA**

Community	Channel No.
Anniston .....	58
Bessemer .....	18c
Birmingham .....	30, 36, 50, 52, *53
Demopolis .....	*19
Dothan .....	21, 36
Dozier .....	*59
Florence .....	14, 20, *22
Gadsden .....	26, 45c
Homewood .....	28
Huntsville .....	*24, 32c, 41, 49c, 59
Louisville .....	*44c
Mobile .....	9, 20, 27, *41, 47
Montgomery .....	*14, 16, 46c, 51, 57
Mount Cheaha .....	*56
Opelika .....	31
Ozark .....	33
Selma .....	55
Troy .....	48
Tuscaloosa .....	34c
Tuskegee .....	24

**ALASKA**

Community	Channel No.
Anchorage .....	18, 20, 22, *24, *26, 28, 30, 32
Bethel .....	*3
Dillingham .....	*9
Fairbanks .....	18, 22, *24, 26, 28
Juneau .....	*6, 11
Ketchikan .....	*8, 13
North Pole .....	20
Sitka .....	2

**ARIZONA**

Community	Channel No.
Flagstaff .....	18, 22, 27, 32
Green Valley ....	47c
Kingman .....	19
Lake Havasu City.	32

**ARIZONA—Continued**

Community	Channel No.
Mesa .....	36
Phoenix .....	17, 20, 24, 26, *29, 31, 34c, 49, 56
Prescott .....	25
Sierra Vista .....	44
Tolleson .....	52c
Tucson .....	19c, 23, 25, *28c, *30, 32, 35, 42
Yuma .....	16, 41

**ARKANSAS**

Community	Channel No.
Arkadelphia .....	*46
El Dorado .....	27
Fayetteville .....	15, *45
Fort Smith .....	18, 21, 27
Hot Springs .....	14
Jonesboro .....	9c, *20c, 49c
Little Rock .....	12c, 22, 30, 32, 43c, *47
Mountain View ..	*35
Newark .....	*27
Pine Bluff .....	24, 39c
Rogers .....	50
Springdale .....	39

**CALIFORNIA**

Community	Channel No.
Anaheim .....	32
Arcata .....	22
Bakersfield .....	10, 25, 33, 55
Barstow .....	44
Calipatria .....	50
Ceres .....	*15c
Chico .....	36, 43
Clovis .....	44c
Concord .....	63c
Corona .....	39c
Cotati .....	*23c
El Centro .....	22, 48
Eureka .....	*11, 16, 17, 28
Fort Bragg .....	15
Fresno .....	7, 9, 14, 16, *40
Hanford .....	20
Huntington Beach.	*48
Los Angeles .....	31c, 35c, 36, *41c, 42, 43, 53c, *59c, 60, 65c, 66
Merced .....	38
Modesto .....	18
Monterey .....	31, 32
Novato .....	47
Oakland .....	56
Ontario .....	47c
Oxnard .....	24
Palm Springs ....	46, 52
Paradise .....	20
Porterville .....	48c
Rancho Palos Verdes.	51c
Redding .....	14, *18
Riverside .....	68
Sacramento .....	21c, 35c, 48, *53c, 55c, 61
Salinas .....	13, 43c
San Bernardino ..	*26, 38, 61c
San Diego .....	18, 19, 25, *30, 40c, 55

**CALIFORNIA—Continued**

Community	Channel No.
San Francisco ..	19, 24, 27c, 29, *30, *33c, 39c, 45c, 51, 57
San Jose .....	12c, 41c, 49c, *50, 52
San Luis Obispo ..	15, 34c
San Mateo .....	*59
Sanger .....	36
Santa Ana .....	23c
Santa Barbara ..	21, 27
Santa Maria .....	19
Santa Rosa .....	54
Stockton .....	25, 46, 62
Twentynine Palms.	23
Vallejo .....	34
Ventura .....	49
Visalia .....	28, *50c
Watsonville .....	*58

**COLORADO**

Community	Channel No.
Boulder .....	15c
Broomfield .....	*38
Castle Rock .....	46
Colorado Springs.	10, 22c, 24
Denver .....	16, 17, *18, 19, 32c, 34, 35, *40, 43, 51c
Durango .....	15
Fort Collins .....	21
Glenwood Springs.	23
Grand Junction ..	2, 7, 12c, 15, *17
Longmont .....	29
Montrose .....	13
Pueblo .....	*26, 42
Steamboat Springs.	10
Sterling .....	23

**CONNECTICUT**

Community	Channel No.
Bridgeport .....	42, *52c
Hartford .....	5, *32, 33, 46
New Britain .....	35
New Haven .....	6, 10, *39
New London .....	34
Norwich .....	*45
Waterbury .....	12

**DELAWARE**

Community	Channel No.
Seaford .....	*44
Wilmington .....	31, *55

**DISTRICT OF COLUMBIA**

Community	Channel No.
Washington .....	*27c, *33c, 34, 35, 36, 39, 48, 51c

FLORIDA		GEORGIA—Continued		INDIANA	
Community	Channel No.	Community	Channel No.	Community	Channel No.
Boca Raton .....	*44c	Toccoa .....	24	Angola .....	12
Bradenton .....	42	Valdosta .....	43	Bloomington .....	*14, 27, 53, 56
Cape Coral .....	35	Waycross .....	*18	Elkhart .....	58
Clearwater .....	21	Wrens .....	*36	Evansville .....	28, 45c, *54, 58, 59
Clermont .....	17			Fort Wayne .....	4, 19, 24, 36, *40c
Cocoa .....	*30, 51			Gary .....	*17, 51c
Daytona Beach .....	11, 49			Hammond .....	36
Fort Lauderdale .....	52c			Indianapolis .....	9c, 16, *21c, 25, *44, 45, 46
Fort Myers .....	15, *31c, 53			Kokomo .....	54
Fort Pierce .....	*38, 50			Lafayette .....	11
Fort Walton Beach .....	25, 40, 49			Marion .....	32
Gainesville .....	16, *36			Muncie .....	52
High Springs .....	28			Richmond .....	39
Hollywood .....	47			Salem .....	51c
Jacksonville .....	13c, 19, 32, 34, *38, 42, *44			South Bend .....	30, *35c, 42, 48
Key West .....	3, 12			Terre Haute .....	24, 36, 39c
Lake Worth .....	36			Vincennes .....	*52
Lakeland .....	19				
Leesburg .....	40, *46c				
Live Oak .....	48				
Melbourne .....	20, 48				
Miami .....	8c, 9, *18c, 19, *20, 22c, 24c, 26, 30, 32, 46c				
Naples .....	41, 45				
New Smyrna Beach .....	*33				
Ocala .....	31				
Orange Park .....	10				
Orlando .....	14, 22, *23, 39, 41, 58				
Palm Beach .....	49				
Panama City .....	19, 29c, *38, 42				
Panama City Beach .....	47c				
Pensacola .....	17, *31, 34c, 45c				
Sarasota .....	52				
St. Petersburg .....	24, 57, 59				
Tallahassee .....	2, 22, *32				
Tampa .....	7, 12, 29c, *34, 47, *54				
Tequesta .....	16				
Tice .....	33				
Venice .....	25				
West Palm Beach .....	13c, *27, 28, 55				
GEORGIA		IDAHO		IOWA	
Community	Channel No.	Community	Channel No.	Community	Channel No.
Albany .....	17, 30	Boise .....	*21, 26, 28	Ames .....	59
Athens .....	*22, 48	Caldwell .....	10c	Burlington .....	41
Atlanta .....	10, 19, 20, *21, 25, 27, 39, *41, 43	Coeur D'alene .....	*45	Cedar Rapids .....	27, 47, 51, 52
Augusta .....	30, 31, 42, 51	Filer .....	*18	Council Bluffs .....	*33c
Bainbridge .....	50c	Idaho Falls .....	9c, 36	Davenport .....	*34, 49, 56
Baxley .....	35c	Lewiston .....	32	Des Moines .....	16, 19, 26, 31, *50
Brunswick .....	24	Moscow .....	*35	Dubuque .....	43
Chatsworth .....	*33	Nampa .....	24, 44	Fort Dodge .....	*25
Cochran .....	*7	Pocahontas .....	*17, 23	Iowa City .....	25, *45
Columbus .....	15, *23, 35, 47, 9	Twin Falls .....	16, *22, 34	Mason City .....	*18, 42
Cordele .....	51			Ottumwa .....	14
Dalton .....	16			Red Oak .....	*35
Dawson .....	*26c			Sioux City .....	*28c, 30, 39, 41, 49
Macon .....	16, 40, 45, 50			Waterloo .....	*35, 55
Monroe .....	44				
Pelham .....	*20				
Perry .....	32				
Rome .....	51				
Savannah .....	15, 23c, 39, *46				
Thomasville .....	52				
		ILLINOIS		KANSAS	
		Community	Channel No.	Community	Channel No.
		Aurora .....	59	Colby .....	17
		Bloomington .....	28	Ensign .....	5
		Carbondale .....	*40	Fort Scott .....	40
		Champaign .....	41, 48	Garden City .....	16, 18
		Charleston .....	*50	Goodland .....	14
		Chicago .....	3c, 19c, *21c, 27c, 29, 31, 43c, 45c, *47, 52	Great Bend .....	22
		Decatur .....	18c, 22	Hays .....	*16, 20
		East St. Louis .....	47c	Hutchinson .....	19, *29, 35
		Freeport .....	41	Lakin .....	*23
		Harrisburg .....	34	Lawrence .....	36
		Jacksonville .....	*15c	Pittsburg .....	30
		Joliet .....	53	Salina .....	17
		Lasalle .....	10	Topeka .....	*23, 28c, 44, 48
		Macomb .....	*21	Wichita .....	21, 26, 31, 45
		Marion .....	17		
		Moline .....	*23, 38		
		Mount Vernon .....	21		
		Olney .....	*19		
		Peoria .....	30, 39, 40, *46, 57		
		Quincy .....	32, *34, 54		
		Rock Island .....	58		
		Rockford .....	16c, 42, 54		
		Springfield .....	42, 44, 53		
		Urbana .....	26, *33		
		KENTUCKY			
		Community	Channel No.		
		Ashland .....	*26c, 44		
		Beattyville .....	7		
		Bowling Green .....	16, *18, 33, *48		
		Campbellsville .....	19		
		Covington .....	*24		
		Danville .....	4		
		Elizabethtown .....	*43		
		Harlan .....	51		



## KENTUCKY—Continued

Community	Channel No.
Hazard .....	12, *16
Lexington .....	22, 40, *42, 59
Louisville .....	8, *17, 26, *38, 47, 49, 55
Madisonville .....	20c, *42
Morehead .....	*15, 21
Murray .....	*36
Newport .....	29
Owensboro .....	30
Owenton .....	*44
Paducah .....	32, 41, 50c
Pikeville .....	*24
Somerset .....	*14

## LOUISIANA

Community	Channel No.
Alexandria .....	*26c, 32c, 35
Baton Rouge ....	*25, 34c, 42, 45c, 46
Columbia .....	57
Lafayette .....	16c, *23, 28, 56
Lake Charles ....	8c, *20, 30c
Monroe .....	*19, 55
New Orleans ....	*11, 14, 15, 29, 30, *31, 40, 43, 50c
Shreveport .....	17, *25c, 28, 34c, 44
Slidell .....	24
West Monroe ....	36, 38

## MAINE

Community	Channel No.
Augusta .....	*17
Bangor .....	14, 19, 25
Biddeford .....	*45
Calais .....	*15
Lewiston .....	28
Orono .....	*22
Poland Spring ...	46
Portland .....	4, 38, 44
Presque Isle ....	16, *20

## MARYLAND

Community	Channel No.
Annapolis .....	*42
Baltimore .....	*29, 38, 40, 41, 46c, 52, 59
Frederick .....	*28
Hagerstown .....	16, *44, 55
Oakland .....	*54
Salisbury .....	21, 53, *56

## MASSACHUSETTS

Community	Channel No.
Adams .....	36
Boston .....	*19, 20, 30, 31, 32, 39c, 42, *43
Cambridge .....	41
Lawrence .....	18
Marlborough ....	23
New Bedford ....	22, 49
Norwell .....	52
Springfield .....	11, 55, *58c
Vineyard Haven ..	40

## MASSACHUSETTS—Continued

Community	Channel No.
Worcester .....	29c, *47

## MICHIGAN

Community	Channel No.
Alpena .....	13, *57
Ann Arbor .....	33
Bad Axe .....	*15
Battle Creek ....	20, 44c
Bay City .....	22
Cadillac .....	40, 47, *58
Calumet .....	18
Cheboygan .....	14
Detroit .....	14, 21c, 41, *43, 44, 45, 58
East Lansing ....	*55c
Escanaba .....	48
Flint .....	16, 36, *52
Grand Rapids ...	7, *11, 19, 39
Iron Mountain ...	22
Jackson .....	34
Kalamazoo .....	2, *5, 45
Lansing .....	38, 51c, 59
Manistee .....	*17
Marquette .....	*33, 3
Mount Clemens ..	39c
Mount Pleasant ..	*56
Muskegon .....	24
Onondaga .....	57
Saginaw .....	30, 48
Sault Ste. Marie ..	49, 56
Traverse City ....	31, 50
University Center.	*18
Vanderbilt .....	59

## MINNESOTA

Community	Channel No.
Alexandria .....	14, 24
Appleton .....	*31
Austin .....	*20, 33
Bemidji .....	*18
Brainerd .....	*28
Crookston .....	*16
Duluth .....	17, 33, *38, 43
Hibbing .....	36
Mankato .....	38
Minneapolis .....	21, 22, *26, 32, 35, *44
Redwood Falls ..	27
Rochester .....	36, 46
St. Cloud .....	40
St. Paul .....	*16, *34, 50
Thief River Falls	57
Walker .....	20
Worthington .....	*15

## MISSISSIPPI

Community	Channel No.
Biloxi .....	*16, 39
Booneville .....	*55
Bude .....	*18c
Columbus .....	35
Greenville .....	17
Greenwood .....	*25, 54
Gulfport .....	48

## MISSISSIPPI—Continued

Community	Channel No.
Hattiesburg .....	58
Holly Springs ....	41c
Jackson .....	*20, 21, 41c, 51, 52
Laurel .....	28
Meridian .....	26, 31c, *44, 49
Mississippi State	*38
Natchez .....	49c
Oxford .....	*36
Tupelo .....	57
West Point .....	16

## MISSOURI

Community	Channel No.
Cape Girardeau ..	22, 57
Columbia .....	22, 36
Hannibal .....	29
Jefferson City ...	12, 20
Joplin .....	*25, 43, 46
Kansas City .....	14, *18, 24, 31, 34, 42c, 47, 51c
Kirksville .....	33
Poplar Bluff .....	18
Sedalia .....	15
Springfield .....	19, *23, 28c, 44, 52
St. Joseph .....	21, 53
St. Louis .....	14, 26, 31c, 35, *39, 43, 56

## MONTANA

Community	Channel No.
Billings .....	11, 17, 18
Bozeman .....	16, *20
Butte .....	2, 15, 19c
Glendive .....	15
Great Falls .....	39, 44, 45
Hardin .....	22
Helena .....	14, 29
Kalispell .....	38
Miles City .....	13
Missoula .....	*27, 35, 36, 40

## NEBRASKA

Community	Channel No.
Albion .....	23
Alliance .....	*24
Bassett .....	*15
Grand Island ....	19, 32
Hastings .....	*14, 21
Hayes Center ...	18
Kearney .....	36
Lexington .....	*26
Lincoln .....	25, 31, *40
McCook .....	12
Merriman .....	*17
Norfolk .....	*16
North Platte ....	*16, 22
Omaha .....	*17, 20, 22, 38, 43c, 45
Scottsbluff .....	20, 29
Superior .....	34

## NEVADA

Community	Channel No.
Elko .....	8
Henderson .....	24
Las Vegas .....	2, 7, *11c, 16c, 17, 22c, 29
Paradise .....	40c
Reno .....	*15, 22c, 23, 26, 32, 34, 44
Winnemucca .....	12

## NEW HAMPSHIRE

Community	Channel No.
Berlin .....	*15
Concord .....	33
Derry .....	35
Durham .....	*57
Keene .....	*49c
Littleton .....	*48
Manchester .....	59c
Merrimack .....	34

## NEW JERSEY

Community	Channel No.
Atlantic City .....	46, 49
Burlington .....	27
Camden .....	*22
Linden .....	36
Montclair .....	*51c
New Brunswick .....	*18c
Newark .....	53c, 61
Newton .....	8c
Paterson .....	40
Secaucus .....	38
Trenton .....	*43
Vineland .....	66c
West Milford .....	*29
Wildwood .....	36

## NEW MEXICO

Community	Channel No.
Albuquerque .....	16, *17, 21, 24c, *25, 26, 42c, 51c
Carlsbad .....	19
Clovis .....	20
Farmington .....	8, 17
Hobbs .....	16
Las Cruces .....	*23c, 36
Portales .....	*32
Roswell .....	28c, 35, 41
Santa Fe .....	10, 27, 29
Silver City .....	12

## NEW YORK

Community	Channel No.
Albany .....	4, 15, 26
Amsterdam .....	50
Batavia .....	53
Binghamton .....	4, 7, 8, *42c
Buffalo .....	14, *32, 33, 34, 38, 39, *43
Carthage .....	35
Corning .....	50
Elmira .....	2, 55
Garden City .....	*22c

## NEW YORK—Continued

Community	Channel No.
Jamestown .....	27c
Kingston .....	21
New York .....	*24, 28, 30, 33, 44, 45, 56c
North Pole .....	14
Norwood .....	*23
Plattsburgh .....	*38
Poughkeepsie .....	27
Riverhead .....	57
Rochester .....	*16, 28, 45, 58, 59
Schenectady .....	*34, 39, 43
Smithtown .....	23
Springville .....	46
Syracuse .....	17, 19c, *25c, 44c, 47, 54
Utica .....	27, 29, 30
Watertown .....	21c, *41

## NORTH CAROLINA

Community	Channel No.
Asheville .....	*25, 45, 56, 57
Belmont .....	47c
Burlington .....	14
Chapel Hill .....	*59
Charlotte .....	22, 23, *24, 27, 34
Columbia .....	*20
Concord .....	*44
Durham .....	27, 52
Fayetteville .....	36, 38
Goldsboro .....	55
Greensboro .....	33, 43, 51
Greenville .....	10c, 21, *23
Hickory .....	40
High Point .....	35
Jacksonville .....	34, *44
Kannapolis .....	50
Lexington .....	19
Linville .....	*54
Lumberton .....	*25
Morehead City .....	24
New Bern .....	48
Raleigh .....	49, 53, 57
Roanoke Rapids .....	*39
Rocky Mount .....	15
Washington .....	32
Wilmington .....	*29, 30, 46, 54
Wilson .....	42
Winston-Salem .....	29, 31, *32

## NORTH DAKOTA

Community	Channel No.
Bismarck .....	16, *22, 23, 31
Devils Lake .....	*25, 59
Dickinson .....	18, 19, *20
Ellendale .....	*20c
Fargo .....	19, 21, *23, 58
Grand Forks .....	*56
Jamestown .....	14
Minot .....	15c, 45, *57, 58
Pembina .....	15
Valley City .....	38
Williston .....	14, *51, 52

## OHIO

Community	Channel No.
Akron .....	30, *50c, 59

## OHIO—Continued

Community	Channel No.
Alliance .....	*46c
Athens .....	*27
Bowling Green .....	*56
Cambridge .....	*35
Canton .....	39, 47
Chillicothe .....	46
Cincinnati .....	10c, 31, 33, *34, 35
Cleveland .....	2, 15, *26c, 31, 34
Columbus .....	13, 14, 21, 36, *38
Dayton .....	30, 41, 50, 51, *58
Lima .....	20, 47
Lorain .....	28
Mansfield .....	12
Newark .....	24
Oxford .....	*28
Portsmouth .....	17, *43c
Sandusky .....	42c
Shaker Heights .....	10
Springfield .....	18
Steubenville .....	57
Toledo .....	5, 17, 19c, *29, 46, 49c
Youngstown .....	20c, 36, 41
Zanesville .....	40

## OKLAHOMA

Community	Channel No.
Ada .....	26
Bartlesville .....	15
Cheyenne .....	*8
Claremore .....	*36c
Enid .....	18
Eufaula .....	*31
Lawton .....	23
Oklahoma City .....	15c, 16, 24, 27, *32, 33, 39, 42, 50, 51
Oklmulgee .....	28
Shawnee .....	29
Tulsa .....	22, *38, 42c, 48c, 49, 55, 56, 58

## OREGON

Community	Channel No.
Bend .....	*11, 18
Coos Bay .....	21, 22
Corvallis .....	*39
Eugene .....	14, 17c, 25, *29c, 31
Klamath Falls .....	29, *33, 40
La Grande .....	*5
Medford .....	15, 27c, 35, 38, *42
Pendleton .....	8
Portland .....	*27, 30, 40, 43, 45, 6
Roseburg .....	18, 19, 45
Salem .....	20, 33c

## PENNSYLVANIA

Community	Channel No.
Allentown .....	46, *62c
Altoona .....	24c, 32, 46
Bethlehem .....	59c
Clearfield .....	*15
Erie .....	16, 22, *50, 52, 58
Greensburg .....	50
Harrisburg .....	4, *36, 57

## PENNSYLVANIA—Continued

Community	Channel No.
Hazleton .....	9
Johnstown .....	29, 30, 34
Lancaster .....	23, 58
Philadelphia .....	26, 32, *34, 42, 54, 64c, 67
Pittsburgh .....	25c, *26c, *38, 42, 43, 48, 51
Reading .....	25
Red Lion .....	30
Scranton .....	13, 31, 32, *41, 49
Wilkes-Barre .....	11
Williamsport .....	29
York .....	47

## RHODE ISLAND

Community	Channel No.
Block Island .....	17c
Providence .....	13c, *21, 51, 54c

## SOUTH CAROLINA

Community	Channel No.
Allendale .....	*33
Anderson .....	14
Beaufort .....	*44
Charleston .....	35, 40, *49, 52, 53, 59
Columbia .....	8, 17, *32, 41, 48
Conway .....	*58
Florence .....	16c, 20, *45, 56
Greenville .....	*9, 35, 59
Greenwood .....	*18
Hardeeville .....	27
Myrtle Beach .....	18
Rock Hill .....	15, 39
Spartanburg .....	43, 53
Sumter .....	*28c, 38

## SOUTH DAKOTA

Community	Channel No.
Aberdeen .....	*17c, 28
Brookings .....	*18
Eagle Butte .....	*25
Florence .....	25
Huron .....	22
Lead .....	29, 30
Lowry .....	*15
Martin .....	*23
Mitchell .....	26
Pierre .....	19, *21
Rapid City .....	16c, 18, 22, *26
Reliance .....	14
Sioux Falls .....	7, *24c, 29, 32, 40, 47c
Vermillion .....	*34

## TENNESSEE

Community	Channel No.
Chattanooga .....	*29, 35, 40, 47, 55
Cleveland .....	42
Cookeville .....	36, *52
Crossville .....	50
Greeneville .....	38
Hendersonville .....	51c

## TENNESSEE—Continued

Community	Channel No.
Jackson .....	39, 43
Jellico .....	23
Johnson City .....	58
Kingsport .....	27
Knoxville .....	*17, 26, 30, 31, 34
Lebanon .....	44
Lexington .....	*47
Memphis .....	25c, 28, *29c, 31c, 51c, 52, 53
Murfreesboro .....	38
Nashville .....	10, 15, 21, 23, 27, *46, 56
Sneedville .....	*41

## TEXAS

Community	Channel No.
Abilene .....	24, 29
Alvin .....	36
Amarillo .....	9, 15c, 19, *21, 23
Arlington .....	42
Austin .....	21, *22, 33, 43c, 49, 56
Baytown .....	41
Beaumont .....	21, *33, 50
Belton .....	47c
Big Spring .....	33
Brownsville .....	24c
Bryan .....	29c, 59
College Station .....	*12
Conroe .....	5, 42
Corpus Christi .....	18, *23, 27, 47, 50
Dallas .....	9c, *14, 32, 35, 36, 40c, 45
Decatur .....	30c
Del Rio .....	28
Denton .....	*43
Eagle Pass .....	18
El Paso .....	15c, 16, 17, 18, 25, *30, *39c, 51
Fort Worth .....	18, 19, 41, 51
Galveston .....	*23c, 47
Garland .....	24c
Greenville .....	46
Harlingen .....	31, *34, 38
Houston .....	*9c, 19, *24, 27c, 31, 32, 35, 38, 44c
Irving .....	48
Jacksonville .....	22
Katy .....	52c
Kerrville .....	32
Killeen .....	23
Lake Dallas .....	54
Laredo .....	14, 15, 19
Llano .....	27
Longview .....	52c
Lubbock .....	25, 27, 35c, 38, *39, 43
Lufkin .....	43
McAllen .....	46
Midland .....	26
Nacogdoches .....	18
Odessa .....	15, *22, 23, 31, 43c
Port Arthur .....	40
Rio Grande City .....	20
Rosenberg .....	46c
San Angelo .....	11, 16, 19
San Antonio .....	*16, *20, 30c, 38, 39, 48, 55, 58
Sherman .....	20
Snyder .....	10
Sweetwater .....	20
Temple .....	50
Texarkana .....	15

## TEXAS—Continued

Community	Channel No.
Tyler .....	38
Victoria .....	15, 34
Waco .....	*20, 26c, 53, 57
Weslaco .....	13
Wichita Falls .....	15, 22, 28

## UTAH

Community	Channel No.
Cedar City .....	14
Ogden .....	29, *34
Provo .....	17c, *39
Salt Lake City .....	27, 28, 35, 38, 40, *42
St. George .....	9

## VERMONT

Community	Channel No.
Burlington .....	16, *32, 43, 53
Hartford .....	25
Rutland .....	*56
St. Johnsbury .....	*18
Windsor .....	*24

## VIRGINIA

Community	Channel No.
Arlington .....	15c
Ashland .....	47
Bristol .....	28
Charlottesville .....	*14, 32
Danville .....	41
Fairfax .....	*57c
Front Royal .....	*21
Goldvein .....	*30
Grundy .....	49
Hampton .....	41
Hampton-Norfolk .....	*16c
Harrisonburg .....	49
Lynchburg .....	20, 56
Manassas .....	43c
Marion .....	*42
Norfolk .....	38, 46, 58
Norton .....	*32
Petersburg .....	22c
Portsmouth .....	19, 31
Richmond .....	*24c, 25, 26, *44, 54
Roanoke .....	*3, 17, 18, 30, 36
Staunton .....	*11
Virginia Beach .....	29

## WASHINGTON

Community	Channel No.
Bellevue .....	32, 50
Bellingham .....	19, 35
Centralia .....	*19
Everett .....	31
Kennewick .....	44
Pasco .....	18
Pullman .....	*17
Richland .....	26c, *38
Seattle .....	25, 38, 39, *41, 44, 48

## WASHINGTON—Continued

Community	Channel No.
Spokane .....	13, 15, 20, 30, 36, *39
Tacoma .....	14, 18, *27, 36, *42
Vancouver .....	48
Wenatchee .....	46c
Yakima .....	14, 16, *21, 33

## WEST VIRGINIA

Community	Channel No.
Bluefield .....	14, 46
Charleston .....	19, 39, 41
Clarksburg .....	28, 52
Grandview .....	*53
Huntington .....	23, *34c, 54
Lewisburg .....	48
Martinsburg .....	12
Morgantown .....	*33
Oak Hill .....	50
Parkersburg .....	49
Weston .....	58
Wheeling .....	32

## WISCONSIN

Community	Channel No.
Appleton .....	59
Chippewa Falls .....	49c
Eagle River .....	28
Eau Claire .....	15, 39
Fond Du Lac .....	44
Green Bay .....	23, 41, *42, 51, 56
Janesville .....	32
Kenosha .....	40
La Crosse .....	14, 17, *30, 53
Madison .....	11, 19, *20, 26, 50
Manitowoc .....	19
Mayville .....	43
Menomonie .....	*27
Milwaukee .....	*8, 22, 25c, 28, 33, 34, *35, 46, 61
Park Falls .....	*47
Racine .....	48
Rhineland .....	16
Superior .....	19
Suring .....	21
Wausau .....	*24, 29, 40

## WYOMING

Community	Channel No.
Casper .....	15c, 17, 18
Cheyenne .....	11, 28c, 30
Jackson .....	14
Lander .....	7, *8
Rawlins .....	9
Riverton .....	16
Rock Springs .....	21
Sheridan .....	21

## GUAM

Community	Channel No.
Agana .....	2, 4, 5

## GUAM—Continued

Community	Channel No.
Tamuning .....	17

## PUERTO RICO

Community	Channel No.
Aguada .....	62
Aguadilla .....	17c, *34, 69
Arecibo .....	53, 61c
Bayamon .....	59c
Caguas .....	56, *57
Carolina .....	51
Fajardo .....	*16c, 33
Guayama .....	45
Humacao .....	49
Mayaguez .....	23c, 29c, 35c, 63
Naranjito .....	65c
Ponce .....	15c, 19, *25, 43c, 47, 66
San Juan .....	21, 27c, 28, 31c, 32, *55c
San Sebastian ..	39c
Yauco .....	41c

## VIRGIN ISLANDS

Community	Channel No.
Charlotte Amalie .....	*44, 48, 50
Christiansted .....	5, 20

## (c) Availability of channels.

Applications may be filed to construct DTV broadcast stations only on the channels designated in the DTV Table of Allotments set forth in paragraph (b) of this section, and only in the communities listed therein. Applications that fail to comply with this requirement, whether or not accompanied by a petition to amend the DTV Table, will not be accepted for filing. However, applications specifying channels that accord with publicly announced FCC Orders changing the DTV Table of Allotments will be accepted for filing even if such applications are tendered before the effective dates of such channel change. An application for authority to construct a DTV station on an allotment in the initial DTV table may only be filed by the licensee or permittee of the analog TV station with which that initial allotment is paired, as set forth in Appendix B of the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket 87-268, FCC 98-24 (*Memorandum Opinion and Order*) adopted January 29, 1998. Copies of the *Memorandum Opinion and Order* may be inspected during normal business hours at the: Federal Communications Commission, 1919 M St., N.W., Dockets Branch (Room 239), Washington, DC, 20554. This document is also available through the Internet on the *FCC Home*

Page at <http://www.fcc.gov>.

Applications may also be filed to implement an exchange of channel allotments between two or more licensees or permittees of analog TV stations in the same community, the same market, or in adjacent markets provided, however, that the other requirements of this section and § 73.623 are met with respect to each such application.

## (d) Reference points and distance computations.

(1) The reference coordinates of a DTV allotment included in the initial DTV Table of Allotments are the coordinates of the authorized transmitting antenna site of the associated analog TV station, as set forth in Appendix B of the *Memorandum Opinion and Order* (referenced above). An application for authority to construct or modify DTV facilities on such an allotment may specify an alternate location for the DTV transmitting antenna that is within 5 kilometers of the DTV allotment reference coordinates without consideration of electromagnetic interference to other DTV or analog TV broadcast stations, allotments or applications, provided the application complies with paragraph (f)(2) of this section. Location of the transmitting antenna of such a station at a site more than 5 kilometers from the DTV allotment reference coordinates must comply with the provisions of section 73.623(c). In the case where a DTV station has been granted authority to construct more than 5 kilometers from its reference coordinates pursuant to section 73.623(c), and its authorized coverage area extends in any azimuthal direction beyond the DTV coverage area determined for the DTV allotment reference facilities, then the coordinates of such authorized site are to be used in addition to the coordinates of the DTV allotment to determine protection from new DTV allotments pursuant to § 73.623(d) and from subsequent DTV applications filed pursuant to § 73.623(c).

(2) The reference coordinates of a DTV allotment not included in the initial DTV Table of Allotments shall be the authorized transmitter site, or, where such a transmitter site is not available for use as a reference point, the coordinates as designated in the FCC order modifying the DTV Table of Allotments.

## (e) DTV Service Areas.

(1) The service area of a DTV station is the geographic area within the station's noise-limited F(50,90) contour where its signal strength is predicted to exceed the noise-limited service level. The noise-limited contour is the area in

which the predicted F(50,90) field strength of the station's signal, in dB above 1 microvolt per meter (dBu) as determined using the method in section 73.625(d), exceeds the following levels (these are the levels at which reception of DTV service is limited by noise):

	dBu
Channels 2-6 .....	28
Channels 7-13 .....	36
Channels 14-69 .....	41

Within this contour, service is considered available at locations where the station's signal strength, as predicted using the terrain dependent Longley-Rice point-to-point propagation model, exceeds the levels above. Guidance for evaluating coverage areas using the Longley-Rice methodology is provided in *OET Bulletin No. 69*. Copies of *OET Bulletin No. 69* may be inspected during normal business hours at the: Federal Communications Commission, 1919 M St., N.W., Dockets Branch (Room 239), Washington, DC, 20554. This document is also available through the Internet on the *FCC Home Page* at <http://www.fcc.gov>.

**Note to paragraph (e)(1):** During the transition, in cases where the assigned power of a UHF DTV station in the initial DTV Table is 1000 kW, the Grade B contour of the associated analog television station, as authorized on April 3, 1997, shall be used instead of the noise-limited contour of the DTV station in determining the DTV station's service area. In such cases, the DTV service area is the geographic area within the station's analog Grade B contour where its DTV signal strength is predicted to exceed the noise-limited service level, i.e. 41 dB, as determined using the Longley-Rice methodology.

(2) For purposes of determining whether interference is caused to a DTV station's service area, the maximum technical facilities, i.e., antenna height above average terrain (antenna HAAT) and effective radiated power (ERP), specified for the station's allotment are to be used in determining its service area.

(f) *DTV maximum power and antenna heights.*

(1) The maximum, or reference, effective radiated power (ERP) and antenna height above average terrain (antenna HAAT) for an allotment included in the initial DTV Table of Allotments are set forth in Appendix B of the *Memorandum Opinion and Order* (referenced in paragraph (c) of this section). In each azimuthal direction, the reference ERP value is based on the antenna HAAT of the corresponding analog TV station and achieving predicted coverage equal to that analog

TV station's predicted Grade B contour, as defined in section 73.683.

(2) An application for authority to construct or modify DTV facilities will not be subject to further consideration of electromagnetic interference to other DTV or analog TV broadcast stations, allotments or applications, provided that:

(i) The proposed ERP in each azimuthal direction is equal to or less than the reference ERP in that direction; and

(ii) The proposed antenna HAAT is equal to or less than the reference antenna HAAT or the proposed antenna HAAT exceeds the reference antenna HAAT by 10 meters or less and the reference ERP in paragraph (f)(2)(i) of this section is adjusted in accordance with paragraph (f)(3) of this section; and

(iii) The application complies with the location provisions in paragraph (d)(1) of this section.

(3)(i) A DTV station may increase its antenna HAAT by up to 10 meters from that specified in Appendix B if it reduces its DTV power to a level at or below the level of adjusted DTV power computed in the following formula:  $ERP_{\text{adjusted}} \text{ in dB} = 20 \log(H_1/H_2)$  Where  $H_1$  = Reference antenna HAAT specified in the DTV Table, and  $H_2$  = Actual antenna HAAT

(ii) Alternatively, a DTV application that specifies an antenna HAAT within 25 meters below that specified in Appendix B may adjust its power upward to a level at or below the adjusted DTV power in accordance with the formula in paragraph (f)(3)(i) of this section without an interference showing. For a proposed antenna more than 25 meters below the reference antenna HAAT, the DTV station may increase its ERP up to the level permitted for operation with an antenna that is 25 meters below the station's reference antenna HAAT.

(4) UHF DTV stations may request an increase in power, up to a maximum of 1000 kW ERP, to enhance service within their authorized service area through use of antenna beam tilting in excess of 1 degree, as follows:

(i) Field strengths at the outer edge of the station's service area shall be no greater than the levels that would exist if the station were operating at its assigned DTV power.

(ii) Where a station operates at higher power under the provisions of this paragraph, its field strengths at the edge of its service area are to be calculated assuming 1 dB of additional antenna gain over the antenna gain pattern specified by the manufacturer.

(iii) Where a first adjacent channel DTV station or allotment is located

closer than 110 km or a first adjacent channel analog TV station is located closer than 106 km from the proposed transmitter site, the application must be accompanied by a technical showing that the proposed operation complies with the technical criteria in § 73.623(c) and thereby will not result in new interference exceeding the *de minimis* standard for new interference set forth in that section, or statements from affected stations agreeing to the proposed operation in accordance with § 73.623(f).

(iv) A licensee desiring to operate at higher power under these provisions shall submit, with its initial application for a DTV construction permit or subsequent application to modify its DTV facilities, an engineering analysis demonstrating that the predicted field strengths and predicted interference within its service area would comport with the requirements of this paragraph. The licensee also must notify, by certified mail, all stations that could potentially be affected by such operation at the time the station files its application for a construction permit or modification of facilities. Potentially affected stations to be notified include stations on co-channel and first-adjacent channel allotments that are located at distances less than the minimum geographic spacing requirements in § 73.623(d)(2). For example, in Zone I a co-channel DTV station within 196.3 km or a first-adjacent channel DTV station within 110 km must be notified. A station that believes that its service is being affected beyond the *de minimis* standard set forth in § 73.623(c) may file an informal objection with the Commission. Such an informal objection shall include an engineering analysis demonstrating that additional impermissible interference would occur. The Commission may condition grant of authority to operate at increased power pursuant to this provision on validation of actual performance through field measurements.

(5) Licensees and permittees assigned a DTV channel in the initial DTV Table of Allotments may request an increase in either ERP in some azimuthal direction or antenna HAAT, or both, that exceed the initial technical facilities specified for the allotment in Appendix B of the *Memorandum Opinion and Order* (referenced in paragraph (c) of this section), up to the maximum permissible limits on DTV power and antenna height set forth in paragraph (f)(6), (f)(7), or (f)(8) of this section, as appropriate, or up to that needed to provide the same geographic coverage area as the largest station within their market, whichever would

allow the largest service area. Such requests must be accompanied by a technical showing that the increase complies with the technical criteria in § 73.623(c), and thereby will not result in new interference exceeding the *de minimis* standard set forth in that section, or statements agreeing to the change from any co-channel or adjacent channel stations that might be affected by potential new interference, in accordance with § 73.623(f). In the case where a DTV station has been granted authority to construct pursuant to § 73.623(c), and its authorized coverage area extends in any azimuthal direction beyond the DTV coverage area determined for the DTV allotment reference facilities, then the authorized DTV facilities are to be used in addition to the assumed facilities of the initial DTV allotment to determine protection from new DTV allotments pursuant to § 73.623(d) and from subsequent DTV applications filed pursuant to § 73.623(c). The provisions of this paragraph regarding increases in the ERP or antenna height of DTV stations on channels in the initial DTV Table of Allotments shall also apply in cases where the licensee or permittee seeks to change the station's channel as well as alter its ERP and antenna HAAT. Licensees and permittees are advised that where a channel change is requested, it may, in fact, be necessary in specific cases for the station to operate with reduced power, a lower antenna, or a directional antenna to avoid causing new interference to another station.

(6) A DTV station that operates on a channel 2–6 allotment created subsequent to the initial DTV Table will be allowed a maximum ERP of 10 kW if its antenna HAAT is at or below 305 meters and it is located in Zone I or a maximum ERP of 45 kW if its antenna HAAT is at or below 305 meters and it is located in Zone II or Zone III. A DTV station that operates on a channel 2–6 allotment included in the initial DTV Table of Allotments may request an increase in power and/or antenna HAAT up to these maximum levels, provided the increase also complies with the provisions of paragraph (f)(5) of this section.

(i) At higher HAAT levels, such DTV stations will be allowed to operate with lower maximum ERP levels in accordance with the following table and formulas (the allowable maximum ERP for intermediate values of HAAT is determined using linear interpolation based on the units employed in the table):

MAXIMUM ALLOWABLE ERP AND ANTENNA HEIGHT FOR DTV STATIONS IN ZONES II OR III ON CHANNELS 2–6

Antenna HAAT (meters)	ERP (kW)
610 .....	10
580 .....	11
550 .....	12
520 .....	14
490 .....	16
460 .....	19
425 .....	22
395 .....	26
365 .....	31
335 .....	37
305 .....	45

(ii) For DTV stations located in Zone I that operate on channels 2–6 with an HAAT that exceeds 305 meters, the allowable maximum ERP expressed in decibels above 1 kW (dBk) is determined using the following formula, with HAAT expressed in meters:

$$ERP_{\max} = 92.57 - 33.24 \cdot \log_{10}(\text{HAAT})$$

(iii) For DTV stations located in Zone II or III that operate on channels 2–6 with an HAAT that exceeds 610 meters, the allowable maximum ERP expressed in decibels above 1 kW (dBk) is determined using the following formula, with HAAT expressed in meters:

$$ERP_{\max} = 57.57 - 17.08 \cdot \log_{10}(\text{HAAT})$$

(7) A DTV station that operates on a channel 7–13 allotment created subsequent to the initial DTV Table will be allowed a maximum ERP of 30 kW if its antenna HAAT is at or below 305 meters and it is located in Zone I or a maximum ERP of 160 kW if its antenna HAAT is at or below 305 meters and it is located in Zone II or Zone III. A DTV station that operates on a channel 7–13 allotment included in the initial DTV Table of Allotments may request an increase in power and/or antenna HAAT up to these maximum levels, provided the increase also complies with the provisions of paragraph (f)(5) of this section.

(i) At higher HAAT levels, such DTV stations will be allowed to operate with lower maximum ERP levels in accordance with the following table and formulas (the allowable maximum ERP for intermediate values of HAAT is determined using linear interpolation based on the units employed in the table):

MAXIMUM ALLOWABLE ERP AND ANTENNA HEIGHT FOR DTV STATIONS IN ZONES II OR III ON CHANNELS 7–13

Antenna HAAT (meters)	ERP (kW)
610 .....	30
580 .....	34
550 .....	40
520 .....	47
490 .....	54
460 .....	64
425 .....	76
395 .....	92
365 .....	110
335 .....	132
305 .....	160

(ii) For DTV stations located in Zone I that operate on channels 7–13 with an HAAT that exceeds 305 meters, the allowable maximum ERP expressed in decibels above 1 kW (dBk) is determined using the following formula, with HAAT expressed in meters:

$$ERP_{\max} = 97.35 - 33.24 \cdot \log_{10}(\text{HAAT})$$

(iii) For DTV stations located in Zone II or III that operate on channels 7–13 with an HAAT that exceeds 610 meters, the allowable maximum ERP expressed in decibels above 1 kW (dBk) is determined using the following formula, with HAAT expressed in meters:

$$ERP_{\max} = 62.34 - 17.08 \cdot \log_{10}(\text{HAAT})$$

(8) A DTV station that operates on a channel 14–59 allotment created subsequent to the initial DTV Table will be allowed a maximum ERP of 1000 kW if their antenna HAAT is at or below 365 meters. A DTV station that operates on a channel 14–59 allotment included in the initial DTV Table of Allotments may request an increase in power and/or antenna HAAT up to these maximum levels, provided the increase also complies with the provisions of paragraph (f)(5) of this section.

(i) At higher HAAT levels, such DTV stations will be allowed to operate with lower maximum ERP levels in accordance with the following table and formulas (the allowable maximum ERP for intermediate values of HAAT is determined using linear interpolation based on the units employed in the table):

MAXIMUM ALLOWABLE ERP AND ANTENNA HEIGHT FOR DTV STATIONS ON CHANNELS 14–59, ALL ZONES

Antenna HAAT (meters)	ERP (kW)
610 .....	316
580 .....	350
550 .....	400
520 .....	460
490 .....	540

**MAXIMUM ALLOWABLE ERP AND ANTENNA HEIGHT FOR DTV STATIONS ON CHANNELS 14–59, ALL ZONES—Continued**

Antenna HAAT (meters)	ERP (kW)
460 .....	630
425 .....	750
395 .....	900
365 .....	1000

(ii) For DTV stations located in Zone I, II or III that operate on channels 14–59 with an HAAT that exceeds 610 meters, the allowable maximum ERP expressed in decibels above 1 kW (dBk) is determined using the following formula, with HAAT expressed in meters:

$$ERP_{\max} = 72.57 - 17.08 \log_{10}(\text{HAAT})$$

(g) DTV stations operating on channels above an analog TV station.

(1) DTV stations operating on a channel allotment designated with a “c” in paragraph (b) of this section must maintain the pilot carrier frequency of the DTV signal 5.082138 MHz above the visual carrier frequency of any analog TV broadcast station that operates on the lower adjacent channel and is located within 88 kilometers. This frequency difference must be maintained within a tolerance of  $\pm 3$  Hz.

(2) Unless it conflicts with operation complying with paragraph (g)(1) of this section, where a low power television station or TV translator station is operating on the lower adjacent channel within 32 km of the DTV station and notifies the DTV station that it intends to minimize interference by precisely maintaining its carrier frequencies, the DTV station shall cooperate in locking its carrier frequency to a common reference frequency and shall be responsible for any costs relating to its own transmission system in complying with this provision.

(h)(1) The power level of emissions on frequencies outside the authorized channel of operation must be attenuated no less than the following amounts below the average transmitted power within the authorized channel. In the first 500 kHz from the channel edge the emissions must be attenuated no less than 47 dB. More than 6 MHz from the channel edge, emissions must be attenuated no less than 110 dB. At any frequency between 0.5 and 6 MHz from the channel edge, emissions must be attenuated no less than the value determined by the following formula:

$$\text{Attenuation in dB} = -11.5(\Delta f + 3.6);$$

Where:  $\Delta f$  = frequency difference in MHz from the edge of the channel.

(2) This attenuation is based on a measurement bandwidth of 500 kHz. Other measurement bandwidths may be used as long as appropriate correction factors are applied. Measurements need not be made any closer to the band edge than one half of the resolution bandwidth of the measuring instrument. Emissions include sidebands, spurious emissions and radio frequency harmonics. Attenuation is to be measured at the output terminals of the transmitter (including any filters that may be employed). In the event of interference caused to any service, greater attenuation may be required.

3. Section 73.623 is amended by revising paragraphs (c), (d), (e) and (f) to read as follows:

**§ 73.623 DTV applications and changes to DTV allotments.**

\* \* \* \* \*

(c) *Minimum technical criteria for modification of DTV allotments included in the initial DTV Table of Allotments and for applications filed pursuant to this section.* No petition to modify a channel allotment included in the initial DTV Table of Allotments or application for authority to construct or modify a DTV station assigned to such an allotment, filed pursuant to this section, will be accepted unless it shows compliance with the requirements of this paragraph.

(1) Requests filed pursuant to this paragraph must demonstrate compliance with the principal community coverage requirements of section 73.625(a).

(2) Requests filed pursuant to this paragraph must demonstrate that the requested change would not result in more than an additional 2 percent the population served by another station being subject to interference; provided, however, that no new interference may be caused to any station that already experiences interference to 10 percent or more of its population or that would result in a station receiving interference in excess of 10 percent of its population. The station population values for existing NTSC service and DTV service contained in Appendix B of the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87–268, FCC 98–24, adopted January 29, 1998, referenced in § 73.622(c), are to be used for the purposes of determining whether a power increase or other change is permissible under this de minimis standard. For evaluating compliance with this requirement, interference to populations served is to be predicted based on the procedure set forth in *OET Bulletin No. 69*, including population

served within service areas determined in accordance with section 73.622(e), consideration of whether F(50,10) undesired signals will exceed the following desired-to-undesired (D/U) signal ratios, assumed use of a directional receiving antenna, and use of the terrain dependent Longley-Rice point-to-point propagation model. Copies of *OET Bulletin No. 69* may be inspected during normal business hours at the: Federal Communications Commission, 1919 M St., N.W., Dockets Branch (Room 239), Washington, DC 20554. These documents are also available through the Internet on the *FCC Home Page* at <http://www.fcc.gov>. The threshold levels at which interference is considered to occur are:

	D/U Ratio
Co-channel:	
DTV-into-analog TV .....	+34
Analog TV-into-DTV .....	+2
DTV-into-DTV .....	+15
First Adjacent Channel:	
Lower DTV-into-analog TV ...	–14
Upper DTV-into-analog TV ...	–17
Lower analog TV-into-DTV ...	–48
Upper analog TV-into-DTV ...	–49
Lower DTV-into-DTV .....	–28
Upper DTV-into-DTV .....	–26
Other Adjacent Channel (Channels 14–69 only)	
DTV-into-analog TV, where N = analog TV channel and DTV Channel:	
N–2 .....	–24
N+2 .....	–28
N–3 .....	–30
N+3 .....	–34
N–4 .....	–34
N+4 .....	–25
N–7 .....	–35
N+7 .....	–43
N–8 .....	–32
N+8 .....	–43
N+14 .....	–33
N+15 .....	–31

(3) The values in paragraph (c)(2) of this section for co-channel interference to DTV service are only valid at locations where the signal-to-noise ratio is 28 dB or greater for interference from DTV and 25 dB or greater for interference from analog TV service. At the edge of the noise-limited service area, where the signal-to-noise (S/N) ratio is 16 dB, these values are 21 dB and 23 dB for interference from analog TV and DTV, respectively. At locations where the S/N ratio is greater than 16 dB but less than 28 dB, D/U values for co-channel interference to DTV are as follows:

(i) For DTV-to-DTV interference, the minimum D/U ratios are computed from the following formula:  
 $D/U = 15 + 10 \log_{10}[1.0 / (1.0 - 10^{-x/10})]$

Where  $x = S/N - 15.19$  (minimum signal to noise ratio)

(ii) For analog-to-DTV interference, the minimum D/U ratios are found from the following Table (for values between measured values, linear interpolation can be used):

Signal-to-noise ratio (dB)	Desired-to-undesired ratio (dB)
16.00 .....	21.00
16.35 .....	19.94
17.35 .....	17.69
18.35 .....	16.44
19.35 .....	7.19
20.35 .....	4.69
21.35 .....	3.69

Signal-to-noise ratio (dB)	Desired-to-undesired ratio (dB)
22.35 .....	2.94
23.35 .....	2.44
25.00 .....	2.00

(4) Due to the frequency spacing that exists between Channels 4 and 5, between Channels 6 and 7, and between Channels 13 and 14, the minimum adjacent channel technical criteria specified in paragraph (c)(2) of this section shall not be applicable to these pairs of channels (see § 73.603(a)).

(d) *Minimum geographic spacing requirements for DTV allotments not*

*included in the initial DTV Table of Allotments.* No petition to add a new channel to the DTV Table of Allotments or modify an allotment not included in the initial DTV Table will be accepted unless it shows compliance with the requirements of this paragraph.

(1) Requests filed pursuant to this paragraph must demonstrate compliance with the principle community coverage requirements of section 73.625(a).

(2) Requests filed pursuant to this paragraph must meet the following requirements for geographic spacing with regard to all other DTV stations, DTV allotments and analog TV stations:

Channel relationship	Separation requirement
VHF Channels 2-13: Co-channel, DTV to DTV	Zone I: 244.6 km. Zones II & III: 273.6 km.
Co-channel, DTV to analog TV	Zone I: 244.6 km. Zone II & III: 273.6 km.
Adjacent Channel: DTV to DTV .....	No allotments permitted between: Zone I: 20 km and 110 km. Zones II & III: 23 km and 110 km.
DTV to analog TV .....	No allotments permitted between: Zone I: 9 km and 125 km. Zone II & III: 11 km and 125 km.
UHF Channels: Co-channel, DTV to DTV	Zone I: 196.3 km. Zone II & III: 223.7 km.
Co-channel, DTV to analog TV	Zone I: 217.3 km. Zone II & III: 244.6 km.
Adjacent Channel: DTV to DTV .....	No allotments permitted between: All Zones: 24 km and 110 km.
DTV to analog TV .....	No allotments permitted between: All Zones: 12 km and 106 km.
Taboo Channels, DTV to analog TV only (DTV channels +/- 2, +/- 3, +/- 4, +/- 7, +/- 8, and 14 or 15 channels above the analog TV channel).	No allotments permitted between: Zone I: 24.1 km and 80.5 km. Zone II & III: 24.1 km and 96.6 km.

(3) Zones are defined in § 73.609. The minimum distance separation between a DTV station in one zone and an analog TV or DTV station in another zone shall be that of the zone requiring the lower separation.

(4) Due to the frequency spacing that exists between Channels 4 and 5, between Channels 6 and 7, and between Channels 13 and 14, the minimum geographic spacing requirements specified in paragraph (d)(3) of this

section shall not be applicable to these pairs of channels (§ 73.603(a)).

(e) *Protection of land mobile operations on channels 14-20.* The Commission will not accept petitions to amend the DTV Table of Allotments, applications for new DTV stations, or applications to change the channel or location of authorized DTV stations that would use channels 14-20 where the distance between the DTV reference point as defined in section 73.622(d), would be located less than 250 km from

the city center of a co-channel land mobile operation or 176 km from the city center of an adjacent channel land mobile operation. Petitions to amend the DTV Table, applications for new DTV stations, or requests to modify the DTV Table that do not meet the minimum DTV-to-land mobile spacing standards will, however, be considered where all affected land mobile licensees consent to the requested action. Land mobile operations are authorized on these channels in the following markets:

City	Channels	Latitude	Longitude
Boston, MA .....	14, 16 .....	42°21'24"	71°03'25"
Chicago, IL .....	14, 15 .....	41°52'28"	87°38'22"
Dallas, TX .....	16 .....	32°47'09"	96°47'37"
Houston, TX .....	17 .....	29°45'26"	95°21'37"



City	Channels	Latitude	Longitude
Los Angeles, CA .....	14, 16, 20 .....	34°03'15"	118°14'28"
Miami, FL .....	14 .....	25°46'37"	80°11'32"
New York, NY .....	14, 15 .....	40°45'06"	73°59'39"
Philadelphia, PA .....	19, 20 .....	39°56'58"	75°09'21"
Pittsburgh, PA .....	14, 18 .....	40°26'19"	80°00'00"
San Francisco, CA .....	16, 17 .....	37°46'39"	122°24'40"
Washington, DC .....	17, 18 .....	38°53'51"	77°00'33"

(f) *Negotiated agreements on interference.* Notwithstanding the minimum technical criteria for DTV allotments specified above, DTV stations operating on allotments that are included in the initial DTV Table may: operate with increased ERP and/or antenna HAAT that would result in additional interference to another DTV station or an analog TV station if that station agrees, in writing, to accept the additional interference; and/or implement an exchange of channel allotments between two or more licensees or permittees of TV stations in the same community, the same market, or in adjacent markets provided, however, that the other requirements of this section and of section 73.622 are met with respect to each such application. Such agreements must be submitted with the application for authority to construct or modify the affected DTV station or stations. The larger service area resulting from a negotiated change in ERP and/or antenna HAAT will be protected in accordance with the provisions of paragraph (c) of this section. Negotiated agreements under this paragraph can include the exchange of money or other considerations from one station to another, including payments to and from noncommercial television stations assigned reserved channels. Applications submitted pursuant to the provisions of this paragraph will be granted only if the Commission finds that such action is consistent with the public interest.

4. Section 73.625 is amended by adding paragraph (c)(5) to read as follows:

**§ 73.625 DTV coverage of principal community and antenna system.**

\* \* \* \* \*

(c) \* \* \*

\* \* \* \* \*

(5) Applications proposing the use of electrical beam tilt pursuant to section 73.622(f)(4) must be accompanied by the following:

(i) Complete description of the proposed antenna system, including the manufacturer and model number. Vertical plane radiation patterns

conforming with paragraphs (c)(3)(iv), (c)(3)(v) and (c)(3)(vi) of this section.

(ii) For at least 36 evenly spaced radials, including 0 degrees corresponding to true North, a determination of the depression angle between the transmitting antenna center of radiation and the radio horizon using the formula in paragraph (b)(2) of this section.

(iii) For each such radial direction, the ERP at the depression angle, taking into account the effect of the electrical beam tilt, mechanical beam tilt, if used, and directional antenna pattern if a directional antenna is specified.

(iv) The maximum ERP toward the radio horizon determined by this process must be clearly indicated. In addition, a tabulation of the relative fields representing the effective radiation pattern toward the radio horizon in the 36 radial directions must be submitted. A value of 1.0 should be used for the maximum radiation.

5. Section 73.3572 is amended by revising paragraph (a)(2) to read as follows:

**§ 73.3572 Processing of TV broadcast, low power TV, TV translator and TV booster applications.**

(a) \* \* \*

(2) However, if the proposed modification of facilities, other than a change in frequency, will not increase the signal range of the low power TV, TV translator or TV booster station in any horizontal direction, the modification will not be considered a major change.

(i) Provided that in the case of an authorized low power TV, TV translator or TV booster which is predicted to cause or receive interference to or from an authorized TV broadcast station pursuant to § 74.705 or interference with broadcast or other services under § 74.703 or § 74.709, that an application for a change in output channel, together with technical modifications which are necessary to avoid interference (including a change in antenna location of less than 16.1 km), will not be considered as an application for a major change in those facilities.

(ii) Provided further, that a low power TV, TV translator or TV booster station: authorized on a channel from channel 60 to 69, or which is causing or receiving interference or is predicted to cause or receive interference to or from an authorized DTV station pursuant to § 74.706, or which is located within the distances specified below in paragraph (c) of this section to the coordinates of co-channel DTV authorizations (or allotment table coordinates if there are no authorized facilities at different coordinates), may at any time file a displacement relief application for a change in output channel, together with any technical modifications which are necessary to avoid interference or continue serving the station's protected service area. Such an application will not be considered as an application for a major change in those facilities. Where such an application is mutually exclusive with applications for new low power TV, TV translator or TV booster stations, or with other nondisplacement relief applications for facilities modifications, priority will be afforded to the displacement application(s) to the exclusion of the other applications.

(iii)(A) The geographic separations to co-channel DTV facilities or allotment reference coordinates, as applicable, within which to qualify for displacement relief are the following:

(1) Stations on UHF channels: 265 km (162 miles)

(2) Stations on VHF channels 2-6: 280 km (171 miles)

(3) Stations on VHF channels 7-13: 260 km (159 miles)

(B) Engineering showings of predicted interference may also be submitted to justify the need for displacement relief.

(iv) Provided further, that the FCC may, within 15 days after acceptance of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore subject to the provisions of § 73.3580 of this section and § 1.1111 of this chapter pertaining to major changes.

# **PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTION SERVICES**

5. The authority citation for part 74 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 336, and 554.

6. Section 74.706 is amended by revising paragraph (d) to read as follows:

## **§ 74.706 Digital TV (DTV) station protection.**

\* \* \* \* \*

(d) A low power TV, TV translator or TV booster station application will not be accepted if the ratio in dB of its field strength to that of the DTV station (L/D ratio) fails to meet the following:

(1) – 2 dB or less for co-channel operations. This maximum L/D ratio for co-channel interference from analog low power TV, TV translator or TV booster service is only valid at locations where the signal-to-noise (S/N) ratio is 25 dB or greater. At the edge of the noise-limited service area, where the S/N ratio is 16 dB, the maximum L/D ratio for co-channel interference from analog low power TV, TV translator or TV booster service into DTV service is – 21 dB. At locations where the S/N ratio is greater than 16 dB but less than 25 dB, the maximum L/D field strength ratios are found from the following Table (for values between measured values, linear interpolation can be used):

Signal-to-Noise Ratio(dB)	Low Power-to-DTV Ratio(dB)
16.00 .....	21.00
16.35 .....	19.94
17.35 .....	17.69
18.35 .....	16.44
19.35 .....	7.19
20.35 .....	4.69
21.35 .....	3.69
22.35 .....	2.94
23.35 .....	2.44
25.00 .....	2.00

(2) + 48 dB for adjacent channel operations at:

(i) The DTV noise-limited perimeter if a low power TV, TV translator or TV booster station is located outside that perimeter.

(ii) At all points within the DTV noise-limited area if a low power TV or TV translator is located within the DTV noise-limited perimeter, as demonstrated by the applicant.

[FR Doc. 98–6827 Filed 3–19–98; 8:45 am]

BILLING CODE 6712–01–P

# **DEPARTMENT OF COMMERCE**

## **National Oceanic and Atmospheric Administration**

### **50 CFR Part 648**

[Docket No. 971015246–7293–02; I.D. 031398D]

## **Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Commercial quota harvest.

**SUMMARY:** NMFS announces the summer flounder commercial quota available to the State of Maine has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maine for the remainder of calendar year 1998, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this announcement to advise the State of Maine that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in Maine.

**DATES:** Effective 0001 hours, March 20, 1998, through December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Tom Warren, telephone (978) 281–9347.

**SUPPLEMENTARY INFORMATION:** Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The initial total commercial quota for summer flounder for the 1998 calendar year was set equal to 11,105,636 lb (5,037,432 kg) (62 FR 66304, December 18, 1997). The percent allocated to vessels landing summer flounder in Maine is 0.04756 percent, or 5,284 lb (2,397 kg).

Section 648.100(e)(4) stipulates that any overages of commercial quota landed in any state be deducted from that state's annual quota for the following year. In calendar year 1997, a total of 2,835 lb (1,286 kg) were landed

in Maine, creating a 493 lb (224 kg) overage that was deducted from the amount allocated for landings in the State during 1998 (63 FR 3478, January 23, 1998). The resulting commercial quota for Maine in 1998 is 4,791 lb (2,173 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor state commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish a notice in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the State of Maine has attained its quota for 1998.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours March 20, 1998, further landings of summer flounder in Maine by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1998 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective the date above, federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in Maine for the remainder of the calendar year, or until additional quota becomes available through a transfer.

## **Classification**

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 16, 1998.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 98–7345 Filed 3–17–98; 2:45 pm]

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