

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Riverside .....	Unincorporated Areas.	June 1, 1995, June 8, 1995, <i>Press Enterprise</i> .	The Honorable Kay Cenicerros, Chairperson, Riverside County Board of Supervisors, P.O. Box 1359, Riverside, California 92502-1359.	May 16, 1995 .....	060245
Solano .....	Unincorporated Areas.	June 7, 1995, June 14, 1995, <i>Daily Republic</i> .	The Honorable Barbara Kondylis, Chairperson, Solano County Board of Supervisors, 580 Texas Street, Fairfield, California 94533-6378.	May 18, 1995 .....	060631
Colorado:					
Boulder .....	City of Boulder .....	June 23, 1995, June 30, 1995, <i>Daily Camera</i> .	The Honorable Leslie Durgin, Mayor, City of Boulder, P.O. Box 791, Boulder, Colorado 80306.	June 5, 1995 .....	080024
Boulder .....	Unincorporated Areas.	June 15, 1995, June 22, 1995, <i>Daily Camera</i> .	The Honorable Homer Page, Chairperson, Boulder County Board of Commissioners, P.O. Box 471, Boulder, Colorado 80306.	May 22, 1995 .....	080023
Missouri: Boone .....	City of Columbia .....	June 22, 1995, June 29, 1995, <i>Columbia Missourian</i> .	The Honorable Mary Anne McCollum, Mayor, City of Columbia, P.O. Box N, Columbia, Missouri 65205.	June 6, 1995 .....	290036
Texas:					
Collin .....	Unincorporated Areas.	June 14, 1995, June 21, 1995, <i>Plano Star Courier</i> .	The Honorable Ron Harris, Collin County Judge, 210 South McDonald Street, McKinney, Texas 75069.	May 30, 1995 .....	480130
Denton .....	City of Denton .....	June 22, 1995, June 29, 1995, <i>Denton Record Chronicle</i> .	The Honorable Bob Castlebury, Mayor, City of Denton, 215 East McKinney, Denton, Texas 76201.	May 31, 1995 .....	480194
Collin .....	City of Plano .....	June 14, 1995, June 21, 1995, <i>Plano Star Courier</i> .	The Honorable James N. Muns, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086-0358.	May 30, 1995 .....	480140

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: August 22, 1995.

**Richard T. Moore,**

Associate Director for Mitigation.

[FR Doc. 95-21399 Filed 8-28-95; 8:45 am]

BILLING CODE 6718-03-M

**44 CFR Part 67**

**Final Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated on the table below.

**ADDRESSES:** The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW., Washington, DC 20472, (202) 646-2756.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an

opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed based flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR Part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

**Regulatory Classification**

This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Executive Order 12612, Federalism**

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

**Executive Order 12778, Civil Justice Reform**

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is amended to read as follows:

**PART 67—[AMENDED]**

1. The authority citation for Part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 67.11 [Amended]**

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
<b>KANSAS</b>			
<b>Independence (City), Montgomery County (FEMA Docket No. 7134)</b>		Just downstream of U.S. Highway 71 .....	*97
<i>Elk River:</i>		<i>Flagon Bayou:</i>	
Approximately 3,340 feet upstream of U.S. Highway 75/ Kansas State Highway 96 ...	*765	At the Grant Parish-Rapides Parish line, approximately 9,300 feet downstream of Flagon Creek Road .....	*151
Approximately 5,080 feet upstream of U.S. Highway 75/ Kansas State Highway 96 ...	*765	Just downstream of Flagon Creek Road .....	*159
<b>Maps are available for inspection</b> at City Hall, 120 North Sixth Street, Independence, Kansas.		Just upstream of Airpark Road At State Highway 8 .....	*175 *201
<b>LOUISIANA</b>			
<b>Colfax (Town), Grant Parish (FEMA Docket No. 7132)</b>		<i>Clear Creek:</i>	
<i>Sugarhouse Bayou:</i>		Approximately 17,600 feet upstream of confluence with Little River .....	*61
At downstream corporate limits, approximately 2,200 feet downstream of State Highway 8 .....	*92	Approximately 1,000 feet downstream of Walker Ferry Road .....	*85
At north corporate limits, approximately 2,200 feet upstream of Fraenzie Road .....	*93	Just downstream of Clear Creek Road .....	*108
<b>Maps are available for inspection</b> at Town Hall, Town of Colfax, 1208 Main Street, Colfax, Louisiana.		Just downstream of U.S. Highway 165 .....	*160
<b>Grant Parish (Unincorporated Areas) (FEMA Docket No. 7132)</b>		<b>Maps are available for inspection</b> at Grant Parish Tax Office, Court House Building, 200 Main Street, Colfax, Louisiana.	
<i>Bayou Rigolette:</i>		<b>New Roads (Town), Pointe Coupee Parish (FEMA Docket No. 7132)</b>	
At confluence with Walden Bayou .....	*87	<i>Portage Canal:</i>	
Approximately 3,800 feet upstream of Parish Road 118 ..	*88	Approximately 2,100 feet downstream of Hospital Road .....	*26
Approximately 900 feet upstream of State Highway 492 .....	*89	At Missouri Pacific Railroad Bridge .....	*27
Approximately 1,800 feet upstream of U.S. Highway 71 ..	*90	At State Highway 1 and 10 .....	*27
Just upstream of State Highway 3169 .....	*92	<b>Maps are available for inspection</b> at City Hall, 211 West Main Street, New Roads, Louisiana.	
<i>Sugarhouse Bayou:</i>		<b>Pointe Coupee Parish (Unincorporated areas) (FEMA Docket No. 7132)</b>	
Approximately 4,600 feet upstream of confluence with Bayou Rigolette .....	*92	<i>Portage Canal:</i>	
At confluence of Valentine Bayou .....	*93	Approximately 6,500 feet downstream of Louisiana Highway 10 .....	*27
<i>Bayou Grappe:</i>		Just downstream of Louisiana Highway 10 .....	*27
Approximately 3,500 feet downstream of Richardson Road .....	*93	<b>Maps are available for inspection</b> at 160 East Main Street, New Roads, Louisiana.	
Just upstream of Richardson Road .....	*94	<b>NEVADA</b>	
Just upstream of U.S. Highway 71 .....	*96	<b>Elko (City) Elko County (FEMA Docket No. 7132)</b>	
At confluence of Corfeine Bayou .....	*97	<i>Humboldt River:</i>	
<i>Corfeine Bayou:</i>		Approximately 1,350 feet upstream of truss bridge at corporate limits .....	*5,048
		At confluence with 22 East Drainage (levee failed) .....	*5,054

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with 22 East Drainage (levee not failed) ..	*5,055	<b>Elko County (Unincorporated Areas) (FEMA Docket No. 7132)</b> <i>Humboldt River at Elko:</i> Approximately 4,800 feet downstream of truss bridge—north side of railroad .. Approximately 4,800 feet downstream of truss bridge—south side of railroad .. Approximately 1,350 feet upstream of truss bridge .. At confluence with Culley's Gulley .. Approximately 4,550 feet upstream of confluence with Culley's Gulley .. <i>Culley's Gulley:</i> Approximately 300 feet upstream of the confluence with Humboldt River .. Approximately 100 feet upstream of Last Chance Road .. <i>22 Middle Drainage:</i> Approximately 1,600 feet upstream of Bullion Road .. Approximately 1,900 feet upstream of Bullion Road .. <i>East Adobe Creek:</i> Approximately 250 feet downstream of Interstate Highway 40 .. Approximately 200 feet upstream of Interstate Highway 40 .. <b>Maps are available for inspection</b> at the County Manager's Office, Elko County, 569 Court Street, Elko, Nevada.		Approximately 3,000 feet upstream of U.S. Highway 83 Bypass ..	*1,559
Approximately 4,300 feet upstream of confluence with Metzler Wash at corporate limits ..	*5,064		Approximately 3,100 feet downstream of 58th Street Northwest ..	*1,563	
<i>Metzler Wash:</i> Approximately 350 feet downstream of Clarkson Drive ..	*5,067		Approximately 6,300 feet upstream of 58th Street Northwest ..	*1,565	
Just upstream of Lamoille Highway ..	*5,096		<b>Maps are available for inspection</b> at City Hall, City of Minot, Engineering Department, 515 Second Avenue SW, Minot, North Dakota.	*1,567	
Approximately 2,000 feet upstream of Lamoille Highway	*5,136		<b>Velva (City), McHenry County (FEMA Docket No. 7126)</b>		
<i>Panorama Wash:</i> At Lamoille Highway ..	*5,078		<i>Souris River:</i> Approximately 100 feet downstream of Main Street ..	*1,508	
Approximately 1,300 feet upstream of Lamoille Highway	*5,106		Approximately 2,200 feet upstream of Main Street ..	*1,509	
<i>Culley's Gulley:</i> Approximately 550 feet downstream of Wildwood Way ..	*5,106		Approximately 2,600 feet upstream of Main Street ..	*1,509	
Just upstream of Pinion Road .	*5,152		<b>Maps are available for inspection</b> at City Hall, City of Velva, 101 First Street West, Velva, North Dakota.		
Approximately 450 feet upstream of Lamoille Highway	*5,190		<b>Velva (Township) McHenry County (FEMA Docket No. 7132)</b>		
<i>Eightmile Creek:</i> Approximately 550 feet downstream of Fairgrounds Road	*5,096		<i>Souris River:</i> Approximately 2,700 feet downstream of Main Street ..	*1,507	
Just upstream of Mittry Avenue	*5,158		Approximately 1,700 feet downstream of Main Street ..	*1,508	
Approximately 5,000 feet upstream of Mittry Avenue ..	*5,210		Approximately 200 feet downstream of Main Street ..	*1,508	
<i>22 Middle Drainage:</i> Approximately 150 feet upstream of Bullion Road ..	*5,071		Approximately 2,700 feet upstream of Main Street ..	*1,509	
Approximately 2,300 feet upstream of Bullion Road ..	*5,119		Approximately 4,500 feet upstream of Main Street ..	*1,510	
<i>22 East Drainage:</i> Approximately 150 feet downstream of Bullion Road ..	*5,058		<b>Maps are available for inspection</b> at the McHenry County Auditor's Office, 407 South Main Street, Towner, North Dakota.		
Approximately 2,800 feet upstream of Bullion Road ..	*5,128		<b>OKLAHOMA</b>		
<i>Fifth Street Drainage:</i> Just upstream of Chris Avenue	*5,206		<b>Tulsa (City) Tulsa, Osage, and Rogers Counties (FEMA Docket No. 7122)</b>		
Just upstream of Copper Street ..	*5,254		<i>Mingo Creek:</i> Just upstream of 56th Street North ..	*591	
Approximately 3,900 feet upstream of Rolling Hills Drive	*5,305		Just upstream of 36th Street North ..	*602	
<i>Golf Course Drainage:</i> At confluence with Humboldt River ..	*5,064	Just upstream of Pine Street ...	*613		
Just upstream of Idaho Street .	*5,080	Just upstream of 11th Street North ..	*624		
Approximately 4,650 feet upstream of Interstate Highway 80 ..	*5,192	Just upstream of 41st Street South ..	*653		
<i>East Adobe Creek:</i> Approximately 200 feet upstream of Idaho Street ..	*5,042				
Approximately 2,250 feet downstream of Interstate Highway 80 ..	*5,080				
Approximately 400 feet upstream of Connolly Drive ..	*5,175				
<b>Maps are available for inspection</b> at the City of Elko, Department of Engineering Services, 1751 College Avenue, Elko, Nevada.					

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Just upstream of 51st Street South .....	*668	Approximately 800 feet upstream of 129th East Avenue .....	*706	Approximately 1 mile above State Highway 22 westbound (Marion Street Northeast) .....	*144
Just upstream of 61st Street South .....	*690	<i>Tributary to Brookhollow Creek</i>		<b>Maps are available for inspection</b> at the Marion County Courthouse, 100 High Street NE, Salem, Oregon.	
Just downstream of Memorial Drive .....	*727	<i>Tributary:</i>			
<i>Mill Creek:</i>		At the confluence with Brookhollow Creek Tributary	*693		
At the confluence with Mingo Creek .....	*623	Just upstream of 131st East Avenue .....	*708		
Just upstream of 89th East Avenue .....	*631	Approximately 1,900 feet upstream of 131st East Avenue .....	*718	<b>Polk County (Unincorporated Areas) (FEMA Docket No. 7134)</b>	
Just upstream of Memorial Drive .....	*644	<i>Southpark Creek:</i>		<i>Willamette River:</i>	
At 73rd East Avenue .....	*660	At the confluence with Mingo Creek .....	*653	Approximately 13,500 feet downstream of confluence of Glenn Creek .....	*124
<i>Jones Creek:</i>		Just upstream of Mingo Valley Expressway .....	*659	Approximately 500 feet downstream of confluence of Glenn Creek .....	*133
At the confluence with Mill Creek .....	*631	At Garnett Road .....	*666	Approximately 1,300 feet upstream of confluence of Glenn Creek .....	*135
Just upstream of Memorial Drive .....	*646	<i>Catfish Creek:</i>		Approximately 3,100 feet downstream of Southern Pacific Railroad .....	*141
Just upstream of 71st East Avenue .....	None	At the confluence with Mingo Creek .....	*668	At State Highway 22 .....	*142
Approximately 250 feet upstream of 69th East Avenue	*686	At 55th Street South .....	*670	<b>Maps are available for inspection</b> at the Community Development Department, Polk County Courthouse, 850 Main Street, Dallas, Oregon.	
<i>Audubon Creek:</i>		At 61st Street South .....	*681		
At the confluence with Mingo Creek .....	*637	<i>Douglas Creek:</i>			
Just upstream of 87th East avenue .....	*646	At the confluence with Mingo Creek .....	*612		
Approximately 2,220 feet upstream of 31st Street South .	*681	<i>Little Creek:</i>	*600		
<i>Alsuma Creek:</i>		At the confluence with Mingo Creek .....	*604		
At the confluence with Mingo Creek .....	*658	<i>Quarry Creek:</i>			
Just upstream of 47th Place South .....	None	At the confluence with Mingo Creek .....	*607	<b>Salem (City), Marion and Polk Counties (FEMA Docket No. 7134)</b>	
At 51st Street South .....	*666	<i>Eagle Creek:</i>			
At Mingo Road .....	*669	At the confluence with Mingo Creek .....	*607		
<i>Tupelo Creek:</i>		<i>Sugar Creek:</i>			
At the confluence with Mingo Creek .....	*621	At the confluence with Mingo Creek .....	*648		
Approximately 500 feet upstream of Mingo Valley Expressway .....	*632	<i>Ford Creek:</i>			
Just upstream of 11th Street ...	*644	At the confluence with Mingo Creek .....	*663	Approximately 3.7 miles downstream of confluence with Mill Creek .....	*133
Just upstream of 14th Street ...	*649	<b>Maps are available for inspection</b> at the City of Tulsa, Department of Public Works, 200 Civic Center, Tulsa, Oklahoma.		Approximately 3.3 miles downstream of confluence with Mill Creek .....	*135
At 21st Street .....	*672			Approximately 2.1 miles downstream of confluence with Mill Creek .....	*137
<i>Tupelo Creek Tributary:</i>		<b>OREGON</b>			
At the confluence with Tupelo Creek .....	*648	<b>Marion County (Unincorporated Areas) (FEMA Docket No. 7134)</b>		Approximately 0.8 mile downstream of confluence with Mill Creek .....	*139
Just upstream of 119th East Avenue .....	*664	<i>Willamette River:</i>		Approximately 300 feet downstream of State Highway 22 eastbound (Center Street Northeast) .....	*142
Just downstream of 124th East Avenue .....	*680	Approximately 6.9 miles below State Highway 22 westbound (Marion Street Northeast) .....	*124	<b>Maps are available for inspection</b> at 555 Liberty Street SE, Salem, Oregon.	
<i>Brookhollow Creek:</i>		Approximately 4.2 miles below State Highway 22 westbound (Marion Street Northeast) .....	*134		
At the confluence with Mingo Creek .....	*641	Approximately 2 miles below State Highway 22 westbound (Marion Street Northeast) .....		<b>TEXAS</b>	
Just upstream of Garnett Road	*661	Approximately 0.6 mile above State Highway 22 westbound (Marion Street Northeast) .....	*137	<b>Comanche (City) Comanche County (FEMA Docket No. 7132)</b>	
Approximately 100 feet upstream of South 121st East Avenue .....	*680			<i>Indian Creek:</i>	
<i>Brookhollow Creek Tributary:</i>				At eastern corporate limits of the City of Comanche .....	*1,333
At the confluence with Brookhollow Creek .....	*654			At confluence with Tributary 1 .	*1,342
Approximately 300 feet upstream of Garnett Road .....	*664				
Just upstream of 121st East Avenue .....	*678				

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with Horse Creek .....	*1,348
50 feet downstream of State Highway 16 .....	*1,360
200 feet downstream of confluence with Tributary 2 .....	*1,370
200 feet downstream of confluence with South Fork of Indian Creek .....	*1,375
100 feet downstream of Indian Creek Drive .....	*1,390
At corporate limits .....	*1,393
<i>South Fork of Indian Creek:</i>	
At confluence with Indian Creek .....	*1,376
50 feet upstream of Indian Creek Drive .....	*1,391
At western corporate limits .....	*1,416
<i>Horse Creek:</i>	
At confluence with Indian Creek .....	*1,348
At upstream face of Summit Avenue .....	*1,360
At southern corporate limits .....	*1,374
<i>Tributary 1:</i>	
At confluence with Indian Creek .....	*1,342
50 feet upstream of Central Avenue (U.S. Highway 67) ..	*1,361
100 feet upstream of Walcott Avenue .....	*1,374
At downstream face of Austin Street .....	*1,394
<i>Tributary 2:</i>	
At confluence with Indian Creek .....	*1,371
50 feet upstream of Central Avenue (U.S. Highway 67) ..	*1,381
100 feet upstream of State Highway 36 .....	*1,395
1,000 feet upstream of FM 1689 .....	*1,420
<i>Tributary 3:</i>	
At confluence with Indian Creek .....	*1,372
100 feet upstream of Indian Creek Drive .....	*1,390
At southern corporate limits .....	*1,428
<i>Tributary 4:</i>	
At confluence with Tributary 3 ..	*1,420
At limit of study .....	*1,435
<i>Tributary 5:</i>	
At downstream face of State Highway 16 .....	*1,351
100 feet upstream of airport runway .....	*1,373
At limit of study .....	*1,401

Maps are available for inspection at City Hall, City of Comanche, 114 West Central, Comanche, Texas.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: August 22, 1995.  
**Richard T. Moore,**  
*Associate Director for Mitigation.*  
 [FR Doc. 95-21397 Filed 8-28-95; 8:45 am]  
 BILLING CODE 6718-03-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 94-123; FCC 95-314]

**Radio Broadcast Services; Television Program Practices**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This *Report and Order* repeals the Commission's Rules regarding the Prime Time Access Rule. The Commission had invited comments in a rulemaking proceeding to assess the legal and policy justifications, in light of current economic and technological conditions, for the Prime Time Access Rule and to consider the continued need for the rule in its current form. Based on the comments received from interested parties, including economic and empirical analyses of the effects of repealing or retaining the rule, the Commission concludes that the public interest warrants the repeal of PTAR. In repealing the rule, the Commission believes a one-year transition period is appropriate to provide parties time to adjust their programming strategies and business arrangements.

**EFFECTIVE DATE:** August 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Charles W. Logan or Alan E. Aronowitz, Mass Media Bureau, Policy and Rules Division, Legal Branch, (202) 776-1663, or Alan Baughcum, Mass Media Bureau, Policy and Rules Division, Policy Analysis Branch, (202) 739-0770.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order* in MM Docket No. 94-123, adopted July 28, 1995, and released July 31, 1995. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Washington, D.C. 20037.

**Synopsis of the Report and Order**

1. The Commission's Prime Time Access Rule ("PTAR") generally prohibits network-affiliated television

stations in the top 50 prime-time television markets ("Top 50 Market Affiliates") from broadcasting more than three hours of network programs (the "network restriction") or former network programs (the "off-network restriction") during the four prime time viewing hours (i.e., 7 to 11 p.m. Eastern and Pacific times; 6 to 10 p.m. Central and Mountain times). The rule exempts certain types of programming (e.g., runovers of live sports events, special news, documentary and children's programming, and certain sports and network programming of a special nature) which are not counted toward the three hours of network programming.<sup>1</sup> PTAR was promulgated in 1970 in response to a concern that the three major television networks—ABC, CBS and NBC—dominated the program production market, controlled much of the video fare presented to the public, and inhibited the development of competing program sources. The Commission believed that PTAR would increase the level of competition in program production, reduce the networks' control over their affiliates' programming decisions, and thereby increase the diversity of programs available to the public. PTAR also came to be viewed as a means of promoting the growth of independent stations in that they did not have to compete with Top 50 Market Affiliates in acquiring off-network programs to air during the access period.

2. On October 20, 1994, the Commission adopted a *Notice of Proposed Rule Making* ("Notice"), 59 FR 55402 (November 7, 1994), in this docket to conduct an overall review of the continuing need for PTAR given the profound changes that have occurred in the television industry since 1970. In response to the *Notice*, we received a substantial number of comments from interested parties, including economic and empirical analyses of the effects of repealing or retaining the rule.

3. Based on this record, the Commission concludes that PTAR should be extinguished. The three major networks do not dominate the markets relevant to PTAR. There are large numbers of sellers and buyers of video programming. Entry, even by small business, is relatively easy. There are a substantially greater number of broadcast programming outlets today than when PTAR was adopted in 1970 due to the growth in numbers of independent stations. In addition, nonbroadcast media have proliferated. We also find, given these market conditions, and the record before us,

<sup>1</sup> 47 CFR 73.658(k)(1)-(6).