

result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more. Under Section 205, for any rule subject to Section 202 EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under Section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that the final rule promulgated today does not trigger the requirements of UMRA. The rule does not include a Federal mandate that may result in estimated annual costs to State, local or tribal governments in the aggregate, or to the private sector, of \$100 million or more, and it does not establish regulatory requirements that may significantly or uniquely affect small governments.

#### IX. Judicial Review

Because this action promulgates a control or prohibition under Section 211 of the Clean Air Act and is nationally applicable, under Section 307(b)(1) of the Clean Air Act judicial review of this action is available only by the filing of a petition for review in the U.S. Court of Appeals for the D.C. Circuit within sixty days of publication of this action in the Federal Register.

#### List of Subjects in 40 CFR Part 80

Environmental Protection, Air Pollution Control, Fuel Additives, Gasoline, Leaded Gasoline, Unleaded Gasoline, and Motor Vehicle Pollution.

Dated: May 24, 1996.

Carol M. Browner,  
Administrator.

### PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Section 114, 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a)).

2. Section 80.24 is amended by revising paragraph (b) to read as follows:

#### § 80.24 Controls applicable to motor vehicle manufacturers.

\* \* \* \* \*

(b) The manufacturer of any motor vehicle equipped with an emission control device which the Administrator has determined will be significantly impaired by the use of gasoline other than unleaded gasoline shall

manufacture such vehicle with each gasoline tank filler inlet having a restriction which prevents the insertion of a nozzle with a spout having a terminal end with an outside diameter of 0.930 inch (2.363 centimeters) or more and allows the insertion of a nozzle with a spout meeting the specifications of § 80.22(f)(2).

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 73 and 74

[FCC 96-218]

#### Implementation of Section 403(l) of the Telecommunications Act of 1996 (Silent Station Authorizations)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission is implementing Section 403(l) of the Telecommunications Act of 1996, which provides for the accelerated expiration of broadcast station licenses upon a broadcast station's failure to broadcast for 12 consecutive months. The action is necessary in order to conform the Commission's rules to section 403(l) of the Telecommunications Act, and the intended effect of the action is to conform the rules to those statutory provisions.

**EFFECTIVE DATE:** June 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Irene Bleiweiss, Mass Media Bureau, Audio Services Division (202) 418-2780.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order (In the Matter of Implementation of section 403(l) of the Telecommunications Act of 1996 (Silent Station Authorizations)), adopted May 14, 1996, and released May 17, 1996. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

#### Synopsis of Order

1. This Order implements section 403(l) of the Telecommunications Act of 1996 ("Telecom Act") [Pub. L. No. 104-104, 110 Stat. 56 (1996)], which adopts a new section 312(g) of the

Communications Act providing for accelerated expiration of broadcast station licenses upon failure to broadcast for 12 consecutive months.

2. New Section 312(g) states:

If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary. 47 U.S.C. 312(g).

3. The Order provides that the first date of such license expiration will be February 9, 1997. The following broadcast stations will be affected: Commercial and noncommercial AM, FM, and TV stations, International Broadcast Stations, Low Power Television Stations, FM and TV Translator and Booster stations, broadcast experimental stations, and other classes of broadcast stations that may be established in the future. With the expiration of any AM, FM, or TV broadcasting station license, the licensee's associated remote pickup and auxiliary stations authorized in connection with the operation of the broadcast station would also necessarily expire. A station's other FCC applications and authorizations will not toll or extend the 12-month period, notwithstanding any provision in any authorization to the contrary.

4. *Administrative Matters.* We are revising the rules as detailed below without providing prior notice and an opportunity for comment. We find that notice and comment procedures are unnecessary, and that this action therefore falls within the "good cause" exception of the Administrative Procedure Act ("APA"). See 5 U.S.C. 553(b)(B) (notice requirements inapplicable "when the agency for good cause \* \* \* finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest"). We further find for the same reasons that good cause exists to make the rule changes adopted herein effective upon publication of this Order in the Federal Register. See *id.* at section 553(d)(3). The rule changes adopted in this Order do not involve discretionary action by the Commission. Rather, they simply codify provisions of the Telecom Act.

5. *Effective Dates.* The rules adopted in the Order will become effective upon publication in the Federal Register. The "clock" for periods of continued silence triggering automatic expiration began to run on the date of enactment of the Telecom Act (February 8, 1996). The first date of accelerated license

expiration will be 12 months later, on February 9, 1997.

6. *Ordering Clause.* Accordingly, it is ordered that, pursuant to section 403(l) of the Telecommunications Act of 1996, codified as section 312(g) of the Communications Act of 1934, as amended, 47 U.S.C. section 312(g), parts 73 and 74 of the Commission's rules, 47 CFR part 73 and part 74 are amended as set forth below. We find good cause to make these rule changes effective less than 30 days after publication in the Federal Register. These changes merely modify the Commission's rules to conform with provisions of the 1996 Act that have already taken effect.

List of Subjects

47 CFR Part 73

Radio broadcasting, Television broadcasting.

47 CFR Part 74

Radio broadcasting, Television broadcasting.

Federal Communications Commission

LaVera F. Marshall,  
*Acting 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.

2. Section 73.561 is amended by adding a last sentence to paragraph (d) to read as follows:

**§ 73.561 Operating schedule; time sharing.**

\* \* \* \* \*

(d) \* \* \* The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.

\* \* \* \* \*

3. Section 73.733 is revised to read as follows:

**§ 73.733 Normal license period.**

All international broadcasting station licenses will be issued so as to expire at the hour of 3 a.m. local time and will be issued for a normal license period of 7 years expiring November 1. However, the license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of

that period, notwithstanding any provision, term, or condition of the license to the contrary.

4. Section 73.761 is amended by adding a last sentence to paragraph (c) to read as follows:

**§ 73.761 Time of operation.**

\* \* \* \* \*

(c) \* \* \* The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.

5. Section 73.1020 is amended by adding a new paragraph (c) to read as follows:

**§ 73.1020 Station license period.**

\* \* \* \* \*

(c) The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.

6. Section 73.1615 is amended by adding a new paragraph (c)(2) to read as follows:

**§ 73.1615 Operation during modification of facilities.**

\* \* \* \* \*

(c) \* \* \*

(2) The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license or construction permit to the contrary.

\* \* \* \* \*

7. Section 73.1635 is amended by adding a last sentence to paragraph (a)(4) to read as follows:

**§ 73.1635 Special temporary authorizations (STA).**

(a) \* \* \*

(4) \* \* \* The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any STA or provision, term, or condition of the license to the contrary.

\* \* \* \* \*

8. Section 73.1740 is amended by adding a new paragraph (c) to read as follows:

**§ 73.1740 Minimum operating schedule.**

\* \* \* \* \*

(c) The license of any broadcasting station that fails to transmit broadcast

signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.

9. Section 73.1750 is amended by adding a last sentence to read as follows:

**§ 73.1750 Discontinuance of operation.**

\* \* \* The license of any broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.

**PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES**

10. The authority citation for Part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 554.

11. Section 74.15 is amended by adding a new paragraph (g) to read as follows:

**§ 74.15 Station license period.**

\* \* \* \* \*

(g) The license of an experimental broadcast station, FM translator or FM broadcast booster, TV translator or TV broadcast booster, or low power TV station will expire as a matter of law upon failure to transmit broadcast signals for any consecutive 12-month period notwithstanding any provision, term, or condition of the license to the contrary. Further, if the license of any AM, FM, or TV broadcasting station licensed under part 73 of this chapter expires for failure to transmit signals for any consecutive 12-month period, the licensee's authorizations under part 74, subparts D, E, F, and H in connection with the operation of that AM, FM, or TV broadcasting station will also expire notwithstanding any provision, term, or condition to the contrary.

\* \* \* \* \*

12. Section 74.112 is amended by revising paragraph (e) to read as follows:

**§ 74.112 Supplementary statement with application for construction permit.**

\* \* \* \* \*

(e) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing, and will expire as a matter of law if the station fails to transmit broadcast signals for any consecutive 12-month period, notwithstanding any provision, term, or condition of the license to the contrary.

\* \* \* \* \*

13. Section 74.763 is amended by revising paragraph (c) to read as follows:

**§ 74.763 Time of operation.**

\* \* \* \* \*

(c) Failure of a low power TV, TV translator, or TV booster station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuation of operation and the license of the station may be cancelled at the discretion of the FCC. Furthermore, the station's license will expire as a matter of law, without regard to any causes beyond control of the licensee, if the station fails to transmit broadcast signals for any consecutive 12-month period, notwithstanding any provision, term, or condition of the license to the contrary.

\* \* \* \* \*

14. Section 74.1263 is amended by revising paragraph (e) to read as follows:

**§ 74.1263 Time of operation.**

\* \* \* \* \*

(e) Failure of an FM translator or booster station to operate for a period of 30 or more consecutive days, except for causes beyond the control of the licensee or authorized pursuant to paragraph (c) of this section, shall be deemed evidence of discontinuation of operation and the license of the station may be cancelled at the discretion of the Commission. Furthermore, the station's license will expire as a matter of law, without regard to any causes beyond control of the licensee or to any authorization pursuant to paragraph (c) of this section, if the station fails to transmit broadcast signals for any consecutive 12-month period, notwithstanding any provision, term, or condition of the license to the contrary.

[FR Doc. 96-14239 Filed 6-05-96; 8:45 am]

BILLING CODE 6712-01-P

**47 CFR Part 95**

[WT Docket No. 95-102; FCC 96-215]

**Establishment of the Family Radio Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action revises the Personal Radio Service rules to establish a very short distance, unlicensed, two-way voice personal radio service called the Family Radio Service (FRS). The rule amendments are necessary so that families, friends and associates could have the capability to communicate with one another over a very short

range, typically a few city blocks. The effect of this action is to provide a high-quality low-cost communications service that will be useful to hunters, campers, hikers, bicyclists and other outdoor activity enthusiasts who need to communicate with other members of their party who are out of speaking range or sight but still in the same general area.

**EFFECTIVE DATE:** July 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** William T. Cross, Federal Communications Commission, Washington, DC 20554, (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, adopted May 14, 1996, and released May 15, 1996. The complete text of this Commission action, including the rule amendments, is available for inspection and copying at the Federal Communications Commission, Room 246, 1919 M Street, NW., Washington, DC. The complete text of this Report and Order may also be obtained from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800, and from the FCC's internet World Wide Web homepage, <http://www.fcc.gov>

**Summary of Report and Order**

1. By this action, we are amending the Personal Radio Service rules to establish the FRS.
2. Also, by this action, we are also amending the technical standards to establish standards for FRS transmitters.
3. The amended rules are set forth below, effective July 8, 1996.
4. This Report and Order and the rule amendments are issued under the authority contained in 47 U.S.C. 154(i), 303(r), and 307(e).

**List of Subjects in 47 CFR Part 95**

Communications equipment, Radio.  
Federal Communications Commission  
William F. Caton,  
*Acting Secretary.*

**Rule Changes**

Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 95—PERSONAL RADIO SERVICES**

1. The authority citation for part 95 continues to read as follows:

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

2. Subpart B, §§ 95.191 through 95.194, is added to part 95 to read as follows:

**Subpart B—Family Radio Service (FRS)**

**General Provisions**

Sec.

- 95.191 (FRS Rule 1) Eligibility and responsibility.
- 95.192 (FRS Rule 2) Authorized locations.
- 95.193 (FRS Rule 3) Types of communications.
- 95.194 (FRS Rule 4) FRS units.

**Subpart B—Family Radio Service (FRS)**

**General Provisions**

**§ 95.191 (FRS Rule 1) Eligibility and responsibility.**

(a) Unless you are a representative of a foreign government, you are authorized by this rule to operate an FCC certified FRS unit in accordance with the rules in this subpart. No license will be issued.

(b) You are responsible for all communications that you make with the FRS unit. You must share each channel with other users. No channel is available for the private or exclusive use of any user.

**§ 95.192 (FRS Rule 2) Authorized locations.**

(a) Provided that you comply with these rules, you are authorized to operate an FRS unit:

(1) Within or over any area of the world where radio services are regulated by the FCC (this area includes the fifty United States and the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands (50 islets and cays), American Samoa (seven islands), the Commonwealth of Northern Mariana Islands, and Guam Island);

(2) Within or over any other area of the world, except within or over the territorial limits of areas where radio services are regulated by an agency of the United States other than the FCC or any foreign government (you are subject to its rules);

(3) Aboard any vessel or aircraft registered in the United States, with the permission of the captain, that is within or over any area of the world where radio services are regulated by the FCC or upon or over international waters;

(4) or; Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company that is within or over any area of the world where radio services are regulated by the FCC or upon or over international waters.

(5) You must operate the FRS unit only according to any applicable treaty to which the United States is a party.