

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*  
[FR Doc. 96-15267 Filed 6-14-96; 8:45 am]  
BILLING CODE 6712-01-P

#### 47 CFR Part 15

[ET Docket No. 95-144; FCC 96-219]

#### UHF Noise Figure Performance Measurements

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** By this action, the Commission modified its rules to eliminate the requirement that parties who manufacture, import or market television receivers file reports concerning the UHF noise figure performance of recently-introduced models. We found that the requirement for the filing of UHF television noise figure performance measurements had become obsolete and burdensome. By eliminating this requirement we anticipate that the administrative burden on industry as well as on the Commission will be greatly reduced without any deterioration of the television receiver compliance rate.

**EFFECTIVE DATE:** August 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Raymond A. LaForge at (202) 418-2417, Office of Engineering and Technology.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, adopted May 14, 1996, and released June 3, 1996. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

#### Summary of Report and Order

1. The Electronics Industry Association Consumer Electronics Group, now known as the Consumer Electronics Manufacturers Association ("CEMA"), petitioned the Commission to eliminate the requirement that parties who manufacture, import or market television receivers file reports concerning the UHF noise figure performance of television receivers. On September 5, 1995, the Commission issued a *Notice of Proposed Rule Making* ("NPRM"), 60 FR 49421,

September 22, 1995, proposing to eliminate the requirement that parties who manufacture, import, or market television receivers file UHF television noise figure measurement reports.

2. CEMA, the only entity to file comments and reply comments supported the Commission's proposal to eliminate the UHF noise figure reporting requirements stating that this initiative furthers the Administration's regulatory reinvention goals by minimizing the reporting burdens on business. It stated that both industry and Commission resources could be redeployed for other business if the UHF noise figure reporting requirement is eliminated.

3. CEMA also noted that the UHF noise figure reporting requirement is inconsistent with the Commission's verification process. It states that under this process manufacturers and importers of television receivers must maintain records of the results of their tests, although they are not required to submit sample products or test reports to the Commission unless specifically requested by the Commission. However, the UHF noise figure reporting requirement obligates manufacturers and importers to compile test measurement data on UHF noise figures for each model during the first year of its introduction and to file these performance measurements with the Commission. CEMA maintained that the requirement for filing this data is inconsistent with the concept of self-approval, which is the heart of the verification process. CEMA argued that the verification process and market forces are therefore sufficient to ensure compliance with the UHF noise figure requirement. Based on the record, we agree with CEMA that the filing of performance measurement data is no longer necessary to ensure compliance with our UHF noise figure requirement. Thus, we are amending our rules to eliminate Section 15.117(g)(3).

4. Accordingly, it is ordered, that Part 15 of the Commission's Rules and Regulations ARE AMENDED as specified below, effective August 16, 1996. The authority for issuance of this *Report and Order* is contained in Sections 4(i), 302, 303 (c), (f), (g), and (r), and 309(a) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 302, 303 (c), (f), (g), and (r).

#### Final Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. § 603, an Initial Regulatory Flexibility Analysis was incorporated in the *NPRM* in ET Docket No. 95-144, FCC 95-389, 60 FR 49421, September 22, 1995. Written comments on the proposal in the *NPRM*, including

the Regulatory Flexibility Analysis, were requested. Only one comment and one reply comment were submitted by the petitioner, CEMA.

1. *Need for and Objective of Rules.* Our objectives are to decrease the administrative burden on manufacturers and importers by eliminating the requirement for submission of performance data to demonstrate compliance with the Commission's UHF noise figure requirement. We believe this requirement is no longer necessary to ensure compliance. Therefore, by eliminating the requirement for manufacturers and importers to develop and file this data with the Commission, we expect to greatly reduce the administrative burden on industry as well as on the Commission.

2. *Issues Raised by the Public in Response to the Initial Analysis.* The petitioner was the only party to offer comments to the proposal raised in the *NPRM*, but the Initial Regulatory Flexibility Analysis was not raised as an issue.

3. *Any Significant Alternative Minimizing Impact on Small Entities and Consistent with Stated Objectives.* The alternative to amending Part 15 of the Commission's Rules is to continue the requirement that performance data be filed with the Commission to demonstrate compliance with the UHF noise figure requirement. However, this would result in a missed opportunity to remove an unnecessary administrative burden on industry.

#### List of Subjects in 47 CFR Part 15

Radio, Reporting and recordkeeping requirements.

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#### Rule Changes

Title 47 of the Code of Federal Regulations, Part 15, is amended as follows:

#### PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for Part 15 continues to read as follows:

Authority: Secs. 4, 302, 303, 304, 307 and 624A of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

2. Section 15.117 is amended by removing and reserving paragraph (g)(3).

[FR Doc. 96-15210 Filed 6-14-96; 8:45 am]  
BILLING CODE 6712-01-P