41 CFR Part where the information collection requirement is located	Current OMB control number
Part 60–2	1215–0072.
Part 60–3	3046–0017.
Part 60–4	1215–0163.
Part 60–20 ...	1215–0072, 1215–0163.
Part 60–30 ...	1215–0072, 1215–0163.
Part 60–40 ...	1215–0072, 1215–0163.
Part 60–50 ...	1215–0072, 1215–0163.
Part 60–60 ...	1215–0072.
Part 60–250	1215–0072, 1215–0131, 1215–0163.
Part 60–741	1215–0072, 1215–0131, 1215–0163.

[FR Doc. 96–21541 Filed 8–22–96; 8:45 am]

BILLING CODE 4510–27–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 1

[FCC 96–301]

Automatic Stays of Certain FM and TV Allotment Orders

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends the Commission's rules to delete a provision that, for rulemaking proceedings to amend the FM or TV Table of Allotments, provides for an automatic stay, upon the filing of a petition for reconsideration of any Commission order modifying an authorization to specify operation on a different FM or TV channel. By this action, we remove an incentive for the filing of petitions for reconsideration that are largely without merit, thereby expediting the provision of expanded service to the public and conserving Commission resources now expended processing these meritless petitions. Further, we shall apply this procedural change to pending cases, thereby lifting automatic stays currently in effect pursuant to the existing rule.

EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Paul R. Gordon, Mass Media Bureau, Policy and Rules Division, (202) 418–2130.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in MM Docket No. 95–110, FCC 96–301, adopted July 5, 1996 and released August 8, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Synopsis of Order

I. Introduction

1. This *Report and Order* adopts the proposals set forth in the *Notice of Proposed Rulemaking* in this proceeding, 60 FR 39134, August 1, 1995. We herein delete that portion of § 1.420(f) of the Commission's rules, 47 CFR 1.420(f), which, for rulemaking proceedings to amend the FM or TV Table of Allotments, provides for an automatic stay, upon the filing of a petition for reconsideration of any Commission order modifying an authorization to specify operation on a different FM or TV channel. By this action, we remove an incentive for the filing of petitions for reconsideration that are largely without merit, thereby expediting the provision of expanded service to the public and conserving Commission resources now expended processing these meritless petitions. Further, we shall apply this procedural change to pending cases, thereby lifting automatic stays currently in effect pursuant to the existing rule.

II. Background

The Existing Rule

2. The automatic stay rule applies to amendments to the TV or FM Tables of Allotments where the Commission has modified the authorization of the petitioner, another licensee, or another permittee to specify operation on a different channel. Where a licensee or permittee other than the petitioner might be directed to operate on a different channel in order to accommodate a proposed allotment change, that licensee or permittee is notified of the pending proceeding and is ordered to show cause, if any, why the modification should not be approved.[1] Also, although Section 1.420(f) refers only to petitions for reconsideration, the rule has also been applied routinely to orders challenged by applications for review. In repealing the automatic stay provision for petitions for reconsideration, we also abandon this parallel policy.[2]

3. In addition to the automatic stay provision cited above, Section 1.420(f) of the Commission's rules requires petitions for reconsideration and responsive pleadings to be served on parties to the proceeding and on any licensee or permittee whose authorization may be modified to specify operation on a different channel, and such petitions must be accompanied by a certificate of service. Thus, the automatic stay was intended to help ensure that affected parties have the opportunity to comment before proposed modifications to their authorizations become effective.

4. However, as discussed in the *NPRM*, broadcasters whose authorizations are not proposed to be modified frequently file challenges to approvals of their competitors' proposals to improve service, thereby triggering the automatic stay. Only a very small percentage of these challenges are ultimately successful. The automatic stay prohibits licensees from constructing modified facilities authorized by the Commission until final resolution of any outstanding petition for reconsideration or until the stay is otherwise lifted. The *Notice* asserted that these petitions cause unjustifiable expense and delay for parties and absorb valuable staff resources that might otherwise be directed to resolution of new proposals to improve broadcast service.

Amending the Rule

5. *Comments*. Most of the commenters in this proceeding support repeal of the automatic stay rule. Citing their own experiences, several licensees contend that the rule has harmed them and obstructed the public interest. They assert that, as a general matter, the public is disserved by delaying the benefits of improved service. Further, they state, a licensee's reason for seeking a channel reallotment is often to allow it to remain financially viable. However, because of the delay caused by the automatic stay rule, the facilities in question may go dark or never be constructed at all, despite the Commission's having already approved the needed modification.

6. In contrast, two other parties claim that they and the public interest are protected by the existing rule. They argue that, once a licensee has appealed an involuntary reallotment, it should remain protected from having to cause disruption to itself and to the community by changing its operating channel until there is greater certainty, as determined by the appeal, that to do so would serve the public interest. Even if most third-party appeals are meritless,

[1] See 47 U.S.C. 316(a); 47 CFR 1.87. For convenience, we shall use the term ''licensee'' to include both licensees and permittees.

[2] For convenience, we shall use the term ''petitions for reconsideration'' to include applications for review.

the commenters assert, the benefits of preventing disruptive and involuntary changes that will have to be undone upon the resolution of even that small percentage of appeals that are merited outweigh the expense or inconvenience caused by the rule.

7. Commenters that favor repealing the rule respond that its primary purpose would still be promoted even if it were eliminated: Affected parties would still have the opportunity to comment before a directed change in their facilities becomes effective. Further, they contend, the substantive merits of an appeal would not be affected by the absence of an automatic stay.

8. *Discussion*. The record before us confirms the *Notice*'s observation that the automatic stay rule has regularly resulted in delay in the commencement of construction and the provision of expanded service to the public. Not even those commenters who oppose a change in the rule dispute the assertion that the vast majority of petitions for reconsideration are ultimately denied. We believe that the many apparently meritless petitions for reconsideration the rule appears to have encouraged have imposed a substantial and unwarranted cost on local communities, individual broadcasters, and the Commission itself. First, significant populations are denied the advantages of improved service for long periods of time. Second, the inability to effect the authorized change can cause stations to go dark or not be constructed at all, harming both broadcasters and the public. Third, as both video and audio technologies evolve, television and radio broadcasters must be able to adapt as quickly as possible to changes in their competitive environments. The delays inherent in an automatic stay procedure necessarily constrain broadcasters' flexibility in this regard. Finally, by facilitating meritless petitions for reconsideration, the rule needlessly diverts resources that otherwise would be available to the Commission for the performance of other necessary functions.

9. We conclude that any costs imposed by eliminating the stay provision are modest or can be significantly moderated by other, less restrictive processing approaches. Specifically, we note that permittees and licensees affected by allotment changes who would no longer be entitled to the protection of an automatic stay would nonetheless continue to have substantial procedural protections under the Commission's rules. Because Section 1.420(f) will continue to require that petitions for reconsideration be served on any licensee or permittee whose authorization could be modified, the rights of these parties to be affirmatively informed of actions potentially affecting their interests will continue to be protected. Moreover, any licensees or permittees whose authorizations would actually be modified to accommodate an underlying allotment change would continue to be afforded the full procedural benefits of a show cause proceeding in which they might object to the required frequency change. We also retain the authority to impose a stay in individual cases and we will be particularly cognizant of requests for stay filed by any party whose authorization would be changed involuntarily. Finally, we note that elimination of the automatic stay provision will not prejudice final resolution of any challenges to the underlying staff decision.

10. As a result of the action we take here, parties requesting amendment of the Table of Allotments may, upon release of an initial staff decision granting their request, proceed to implement the change through applications and construction notwithstanding the filing of petitions for reconsideration of the initial decision. We emphasize, of course, that parties electing to proceed before the allotment decision is final do so at their own risk and must bear the costs of any subsequent action reversing or revising the allotment decision.

Pending Cases

11. *Comments*. Most parties that address the issue assert that the elimination of the automatic stay rule should be applied to all existing cases, to expedite service to the public. They note that, just as with prospective cases, no prejudice will occur to parties seeking reconsideration, because the Commission will still consider each case on its merits. Also, they state, the Commission can impose stays on a case-by-case basis if necessary. On the other hand, one commenter argues that application of the rule change to pending cases would impose increased inequity on licensees and their communities, and it would needlessly disrupt cases in progress.

12. *Discussion*. Section 1.420(f) of the Commission's rules, 47 CFR § 1.420(f), involves matters of Commission practice and procedure. The change we adopt today will not affect our substantive analysis of any pending petition for reconsideration or application for review. Changes in procedural rules may be applied in adjudications arising before their enactment without raising concerns about retroactivity.[3] Moreover, in repealing the automatic stay rule, we are concluding that such action will not cause undue inequity or disruption to future cases. All parties will continue to have their rights of appeal to the Commission undisturbed. Further, we have no indication in the record that any parties will endure any unusual hardships by application of the rule to pending cases. Consequently, we see no reason to retain and enforce a rule that we have determined does not serve the public interest. Accordingly, we shall lift the stay with respect to any petitions for reconsideration or applications for review pending as of the effective date of this *Report and Order*.

III. Administrative matters

Paperwork Reduction Act of 1995 Analysis

13. The decision herein has been analyzed with respect to the Paperwork Reduction Act of 1995, Public Law No. 104–13, and found to impose or propose no modified information collection requirement on the public.

Regulatory Flexibility Statement

14. As required by Section 603 of the Regulatory Flexibility Act, 5 USC 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *NPRM* in this proceeding. The Commission sought written public comments on the proposals in the *NPRM*, including on the IRFA. The Commission's Final Regulatory Flexibility Analysis in this *Report and Order* is as follows:

A. Need for and objectives of action. The Commission's Rules provide for an automatic stay, upon the filing of a petition for reconsideration, of any Commission order modifying an authorization to provide for operation on a different FM or TV channel, which is effected by way of an allotment rule making proceeding. The automatic stay provisions for certain reconsideration petitions in these proceedings has created an incentive for the filing of petitions for reconsideration that are largely without merit, thereby delaying the provision of expanded service to the public. In order to reduce that delay, the Commission is repealing the rule.

B. Significant issues raised by the public in response to the initial analysis. No comments were received specifically in response to the Initial Regulatory Flexibility Analysis contained in *NPRM*. However, commenters generally addressed the

[3] *See Landgraf* v. *USI Film Products*, 114 S.Ct. 1483, 1502 (1994), citing *Ex parte Collett*, 337 U.S. 55, 71, (1949).

effects of the automatic stay rule on FM and TV licensees, including small businesses. Several commenters argued that the delay associated with the automatic stay can prevent licensees from effecting authorized improvements to their facilities, and they accordingly supported the rule change. A few commenters contended that the current delay protects third-party licensees from incurring the costs associated with needlessly modifying and remodifying their stations.

C. Description and number of small entities to which the rule will apply. (1) Definition of a ''small business.'' Under the Regulatory Flexibility Act, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. 601(6). The Regulatory Flexibility Act, 5 U.S.C. 601(3) generally defines the term ''small business'' as having the same meaning as the term ''small business concern'' under the Small Business Act, 15 U.S.C. 632. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (''SBA''). *Id.* According to the SBA's regulations, entities engaged in radio or television broadcasting may have a maximum of $5.0 million or $10.5 million, respectively, in annual receipts in order to qualify as a small business concern.[4] 13 CFR 121.201 This standard also applies in determining whether an entity is a small business for purposes of the Regulatory Flexibility Act.

Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.'' While we tentatively believe that the foregoing definition of ''small business'' greatly overstates the number of radio and television broadcast stations that are small businesses and is not suitable for purposes of determining the impact of the new rules on small business, we did not propose an alternative definition in the IRFA.[5]

Accordingly, for purposes of this *Report and Order,* we utilize the SBA's definition in determining the number of small businesses to which the rules apply, but we reserve the right to adopt a more suitable definition of ''small business'' as applied to radio and television broadcast stations and to consider further the issue of the number of small entities that are radio and television broadcasters in the future. Further, in this RFA, we will identify the different classes of small radio and television stations that may be impacted by the rules adopted in this *Report and Order.*

(2) Issues in applying the definition of a ''small business''. As discussed below, we could not precisely apply the foregoing definition of ''small business'' in developing our estimates of the number of small entities to which the rules will apply. Our estimates reflect our best judgments based on the data available to us.

An element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We were unable at this time to define or quantify the criteria that would establish whether a specific television or radio station is dominant in its field of operation. Accordingly, the following estimates of small businesses to which the new rules will apply do not exclude any television or radio station from the definition of a small business on this basis and are therefore overinclusive to that extent. An additional element of the definition of ''small business'' is that the entity must be independently owned and operated. We attempted to factor in this element by looking at revenue statistics for owners of television and radio stations. However, as discussed further below, we could not fully apply this criterion, and our estimates of small businesses to which the rules may apply may be overinclusive to this extent.

With respect to applying the revenue cap, the SBA has defined ''annual receipts'' specifically in 13 CFR 121.104, and its calculations include an averaging process. We do not currently require submission of financial data from licensees that we could use to apply the SBA's definition of a small business. Thus, for purposes of estimating the number of small entities to which the rules apply, we are limited to considering the revenue data that are publicly available, and the revenue data on which we rely may not correspond completely with the SBA definition of annual receipts.

Under SBA criteria for determining annual receipts, if a concern has acquired an affiliate or been acquired as an affiliate during the applicable averaging period for determining annual receipts, the annual receipts in determining size status include the receipts of both firms. 13 CFR 121.104(d)(1). The SBA defines affiliation in 13 CFR 121.103. While the Commission refers to an affiliate generally as a station affiliated with a network, the SBA's definition of affiliate is analogous to our attribution rules. Generally, under the SBA's definition, concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. 13 CFR 121.103(a)(1). The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. 13 CFR 121.103(a)(2). Instead of making an independent determination of whether radio and television stations were affiliated based on SBA's definitions, we relied on the data bases available to us to afford us that information.

(3) Estimates based on BIA data. We have performed a study based on the data contained in the BIA Publications, Inc. Master Access Television Analyzer Database, which lists a total of 1,141 full-power commercial television stations. We have excluded from our calculations Low Power Television

[4] This revenue cap appears to apply to noncommercial educational television stations, as well as to commercial television stations. See Executive Office of the President, Office of Management and Budget, Standard Industrial Classification Manual (1987), at 283, which describes ''Television Broadcasting Stations (SIC Code 4833) as:

Establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational and other television stations. Also included here are establishments primarily engaged in television broadcasting and which produce taped television program materials.

[5] We have pending proceedings seeking comment on the definition of and data relating to small businesses. In our *Notice of Inquiry* in GN Docket No. 96–113 (In the Matter of Section 257 Proceeding to Identify and Eliminate Market Entry Barriers for Small Businesses), FCC 96–216, released May 21, 1996, we requested commenters to provide profile data about small telecommunications businesses in particular services, including television, and the market entry barriers they encounter, and we also sought comment as to how to define small businesses for purposes of implementing Section 257 of the Telecommunications Act of 1996, which requires us to identify market entry barriers and to prescribe regulations to eliminate those barriers. The comment and reply comment deadlines in that proceeding have not yet elapsed. Additionally, in our *Order and Notice of Proposed Rule Making* in MM Docket No. 96–16 (In the Matter of Streamlining Broadcast EEO Rule and Policies, Vacating the EEO Forfeiture Policy Statement and Amending Section 1.80 of the Commission's Rules to Include EEO Forfeiture Guidelines), 11 FCC Rcd 5154 (1996), we invited comment as to whether relief should be afforded to stations: (1) Based on small staff and what size staff would be considered sufficient for relief, *e.g.,* 10 or fewer full-time employees; (2) based on operation in a small market; or (3) based on operation in a market with a small minority work force. We have not concluded the foregoing rule making.

(LPTV) Stations and translator stations, two secondary services that have traditionally not had standing in allotment proceedings, which are the subject of this rule. It should be noted that the percentage figures derived from the data base may be underinclusive because the data base does not list revenue estimates for noncommercial educational stations, and these are therefore excluded from our calculations based on the data base. Non-commercial stations also have a diminished regulatory burden by virtue of the rule change adopted in this *Report and Order.* The data indicate that, based on 1995 revenue estimates, 440 full-power commercial television stations had an estimated revenue of 10.5 million dollars or less. That represents 54 percent of commercial television stations with revenue estimates listed in the BIA program. The data base does not list estimated revenues for 331 stations. Using an extreme scenario, if those 331 commercial stations for which no revenue is listed are counted as small stations, there would be a total of 771 stations with an estimated revenue of 10.5 million dollars or less, representing approximately 68 percent of the 1,141 commercial television stations listed in the BIA data base.

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

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

There are approximately 10,250 commercial radio broadcasting stations and 1,810 noncommercial radio broadcast stations of all sizes in the nation, with approximately 5,200 different commercial owners. For the same reasons as above, the exact number of small radio broadcasting entities to which the elimination of the rule will apply is unknown. Based on 1995 revenue estimates, the BIA Publications, Inc. MasterAccess Analyzer Database data base indicates that 3,314 commercial radio stations had an estimated revenue of $5.0 million or less. That represents approximately 90 percent of commercial radio stations with revenue estimates listed in the BIA program. The data base does not list estimated revenue for 6,571 stations. Using the most extreme scenario, if those 6,571 stations for which no revenue estimates is listed are counted as small stations, there would be a total of 9,885 stations with an estimated revenue of $5.0 million dollars or less, representing approximately 96 percent of the 10,257 commercial radio stations listed in the BIA data base.

Alternatively, if we look at owners of commercial radio stations as listed in the BIA data base, there are a total of 5,207 owners. The data base lists estimated revenues for 29 percent of these owners, or 1,532. Of these 1,532 owners, 1,344 or 88 percent had annual revenue of less than $5.0 million. Using the most extreme scenario, if the 3,675 owners for which revenue estimates are not listed are assumed to be small businesses, then the total of small entities would constitute 96 percent of commercial radio station owners. Further, many noncommercial radio broadcasters are considered to be small entities. Thus, a large number of owners of radio broadcast facilities of several types (commercial AM, commercial FM, and noncommercial FM stations) could benefit from the rule amendment herein adopted.

(4) Alternative classification of small stations. An alternative way to classify small radio and television stations is by the number of employees. The Commission currently applies a standard based on the number of employees in administering its Equal Employment Opportunity Rule (EEO) for broadcasting.[6] Thus, radio or television stations with fewer than five full-time employees are exempted from certain EEO reporting and recordkeeping requirements.[7] We estimate that the total number of broadcast stations with 4 or fewer employees is approximately 4,239.[8]

D. Projected compliance requirements of the rule. This *Report and Order* imposes no new reporting, recordkeeping, or other compliance requirements.

E. Significant alternatives considered minimizing the economic impact on small entities and consistent with the stated objectives. The action taken does not impose additional burdens on small entities and, as discussed in detail at paragraphs 9–10 of the *Report and Order,* will in fact have a positive economic impact, as entities, including small entities, will be able to increase their service more expeditiously and with fewer legal challenges. A small entity opposing Commission action by petitioning for reconsideration will still be able to seek a stay in an individual case, based on the merits of that case. In those cases where a third party is required to move involuntarily, all costs are borne by the party initiating the request for changes to the allotment table. This should adequately address the concerns of commenters opposed to this rule change.

F. Report to Congress. The Secretary shall send a copy of this Final Regulatory Flexibility Analysis along with this *Report and Order* in a report to Congress pursuant to Section 251 of

[6] The Commission's definition of a small broadcast station for purposes of applying its EEO rule was adopted prior to the requirement of approval by the Small Business Administration pursuant to Section 3(a) of the Small Business Act, 15 U.S.C. 632(a), as amended by Section 222 of the Small Business Credit and Business Opportunity Enhancement Act of 1992, Pub. L. 102–366, section 222(b)(1), 106 Stat. 999 (1992), as further amended by the Small Business Administration Reauthorization and Amendments Act of 1994, Pub. L. 103–403, section 301, 108 Stat. 4187 (1994). However, this definition was adopted after the public notice and the opportunity for comment. See *Report and Order* in Docket No. 18244, 23 FCC 2d 430 (1970).

[7] *See, e.g.,* 47 C.F.R. 73.3612 (Requirement to file annual employment reports on Form 395 applies to licensees with five or more full-time employees); *First Report and Order* in Docket No. 21474 (In the Matter of Amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395), 70 FCC 2d 1466 (1979). The Commission is currently considering how to decrease the administrative burdens imposed by the EEO rule on small stations while maintaining the effectiveness of our broadcast EEO enforcement. *Order and Notice of Proposed Rule Making* in MM Docket No. 96–16 (In the Matter of Streamlining Broadcast EEO Rule and Policies, Vacating the EEO Forfeiture Policy Statement and Amending Section 1.80 of the Commission's Rules to Include EEO Forfeiture Guidelines), 11 FCC Rcd 5154 (1996). One option under consideration is whether to define a small station for purposes of affording such relief as one with ten or fewer full-time employees. *Id.* at ¶ 21.

[8] Compilation of 1994 Broadcast Station Annual Employment Reports (FCC form 395B), Equal Opportunity Employment Branch, Mass Media Bureau, FCC.

the Small Business Regulatory Enforcement Fairness Act of 1996, codified at 5 U.S.C. 801(a)(1)(A). A copy of this RFA will also be published in the Federal Register.

Ordering Clauses

15. Accordingly, *it is ordered* That § 1.420(f) of the Commission's Rules, 47 CFR 1.420(f), *is amended* as set forth below.

16. *It is further ordered* That any stay granted pursuant to Section 1.420(f) of the Commission's Rules, 47 CFR § 1.420(f), that is in effect on the effective date of this *Report and Order* is lifted.

17. *It is further ordered* That, pursuant to the Contract with America Advancement Act of 1996, the amendment set forth below will become effective September 23, 1996.

18. *It is further ordered* That this proceeding is terminated.

19. *Additional Information.* For additional information regarding this proceeding, please contact Paul Gordon, Mass Media Bureau, Policy and Rules Division, (202) 418–2130.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 303, and 309(j), unless otherwise noted.

2. Section 1.420 is amended by revising paragraph (f) to read as follows:

§ 1.420 Additional procedures in proceedings for amendment of the FM or TV Tables of Allotments.

* * * * *

(f) Petitions for reconsideration and responsive pleadings shall be served on parties to the proceeding and on any licensee or permittee whose authorization may be modified to specify operation on a different channel, and shall be accompanied by a certificate of service.

* * * * *

[FR Doc. 96–21444 Filed 8–22–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 94–126; RM–8531]

Radio Broadcasting Services; Willows, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 292A to Willows, California, as that community's first local FM transmission service, in response to a petition for rule making filed by KIQS, Inc. *See* 59 FR 59394, November 17, 1994. Coordinates used for Channel 292A at Willows are 39–25–56 and 122–04–50. With this action, the proceeding is terminated.

DATES: Effective September 23, 1996. The window period for filing applications will open on September 23, 1996, and close on October 24, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 292A at Willows, California, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 94–126, adopted August 2, 1996, and released August 9, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Willows, Channel 292A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–21219 Filed 8–22–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 960126016–6121–04; I.D. 081596B]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From the U.S.-Canadian Border to Cape Falcon, OR, and From Sisters Rocks to Mack Arch, OR

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

ACTION: Inseason adjustments.

SUMMARY: NMFS announces inseason increases to the non-treaty and treaty Indian coho salmon ocean fishery quotas in the area from the U.S.-Canadian border to Cape Falcon, OR. The increase to the non-treaty quota is apportioned between the commercial troll and recreational fisheries and among recreational subareas according to the coho salmon allocation provisions contained in the Fishery Management Plan for the Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California. NMFS also announces that the commercial salmon fishery in the area from Sisters Rocks to Mack Arch, OR, opened 7 days a week beginning August 15, 1996. This adjustment is intended to provide additional fishing opportunity to commercial fishermen and maximize the harvest of chinook salmon without exceeding the ocean share allocated to the commercial fishery in this area.

DATES: Modification of the coho salmon quotas is effective August 22, 1996, through September 30, 1996. Modification of the fishing season is effective 0001 hours local time, August 15, 1996, through 2400 hours local time, August 31, 1996. Comments will be accepted through September 6, 1996.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Director, Northwest Region, NMFS (Regional Director), NOAA, 7600 Sand Point Way NE., Seattle, WA 98115–0070. Information relevant to this action has been