PART 73—RADIO BROADCAST SERVICES
FM and TV Station Field Strength Contours

In the matter of temporary suspension of certain portions of §§ 73.213, 73.333, 73.684 and 73.889 of the Commission's Rules and Regulations: Staying Effectiveness of §§ 73.213, 73.333, 73.684, 73.889 until May 1, 1977.

I. On May 29, 1975, the Commission adopted a Report and Order in Docket 16094 and 16095 which made certain changes in the FM and TV station field strength requirements. Included were revised charts for use in predicting the location of pertinent contours, procedures for conducting field strength measurements as a substitute for use of the prediction method and procedures for using terrain roughness corrections to refine the results obtainable from use of the charts alone. Employment of terrain roughness corrections in filings by FM and TV stations was subsequently deferred by the Commission.

This action, by Order of October 30, 1975 (FCC 75-1326), staying the effectiveness of sections of the rules1 until May 1, 1976, was based on the need to develop methods of dealing with atypical terrain configurations. Although the Commission remained convinced of the value and overall accuracy of the terrain roughness corrections, it did acknowledge that they could lead to erroneous results if the terrain roughness factor were employed in these atypical situations.

The Commission expressed confidence that these problems could be dealt with and that appropriate procedures could be developed for use in such cases.

2. As the Commission has continued its efforts to develop the necessary procedures, it has become even more clear that appropriate procedures can and will be developed. However, it also is clear that additional time will be necessary to complete this work. For that reason, an additional stay is required. The Commission believes that the additional stay of one year should provide enough time to complete this study.

At that point, the Commission should be prepared to adopt a procedure employing the sound concepts on which terrain roughness corrections are based and do so in a manner that will incorporate appropriate techniques for use in the distinct minority of cases where there are anomalies in the terrain situation.

3. During the period of the additional stay ordered here, the situation will remain as it has been during the preceding stay. That is, predicted contours will be calculated using the new curves but without regard to terrain roughness. As we observed earlier, where doubt is expressed about the accuracy of these contours, parties are free to file supplemental showings under § 73.889(a) of these rules.2 The use of predicted contours calculated with the new propagation curves is limited, naturally, only to those regulatory areas not subject to earlier Commission pronouncements as to the use of predicted contours.3

4. Accordingly, it is ordered, Pursuant to Sections 4(i), 4(j), 6 and 15 of the Commission Act of 1927, as amended, that the effectiveness of §§ 73.213, 73.333, 73.684 and 73.889 is stayed until May 1, 1977.4


 Released: May 18, 1976.

FEDERAL COMMUNICATIONS COMMISSION.

1Janet J. Molling, Secretary.

[FCC Doc. 75-1326 Filed 5-3-75; 76:8:15 am]

Title of—Public Welfare

CHAPTER 1—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 156—EDUCATIONAL OPPORTUNITY CENTERS

Criteria for the Funding of Applications

On page 52 of the Federal Register of December 20, 1974 there was published a notice of proposed rulemaking to amend the funding criteria set forth in § 156.4 of Title 45 of the Code of Federal Regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No comments, suggestions, or objections have been received; therefore, the amendment to § 156.4 is hereby adopted without change and is set forth below.

Effective date: Pursuant to section 4(d) of the General Education Provisions Act, as amended (20 U.S.C. 1223 (d)), these criteria have been transmitted to the Congress concurrently with the publication of this document in the Federal Register. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of publication, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program No. 10.632 Educational Opportunity Centers.)


T. H. Bell.

U. S. Commissioner of Education.


David Matthews, Secretary of Health, Education, and Welfare.

1 If the parties wish to do so, they may file showings based on terrain roughness. These showings will be reviewed by the Commission and given such consideration as they merit.

2See, e.g., Notice of Proposed Rule Making in Docket 26246, FCC 76-605, 63 F.R.C. 64 Section 156.4 of Part 156 of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 156.4 Funding criteria.

(a) Application awards. Priority will be given to a request for funds to continue the operation of a Center which (1) received funds in a calendar year prior to the current year, and (2) was approved for a multi-year project that has no cap, (continuation award).

(b) Conditions for approval. Requests for continuation awards will be approved only if (1) the need continues to exist for the services provided by the Center; (2) satisfactory progress has been made in developing and using work plans and in achieving the Center's goals and objectives, as indicated by the reports, progress reports, and other relevant additional criteria.

(c) The Center continues to offer priority of service in providing information to residents of the area, to the variety of educational opportunities available, increasing the role as which persons from the target area enroll in postsecondary educational institutions, and improving the role at which enrolled students from the target area remain in and complete programs of postsecondary education.

(d) All required reports, including duplicate copies of reports on quarterly performance and fiscal reports, have been received and accepted by the Commission, and

(e) Funds are available to continue the Center.

(f) New persons. Except as provided in paragraphs (c) and (f) of this section, no new persons are to be funded under this part on the basis of the criteria set forth in § 156.4 of this section, as well as the following additional criteria:

(i) The degree to which centers are needed to enhance access to postsecondary education to low-income families. (2) The number of low-income families in the target area; (3) The number of low-income students and other persons residing in the area; (4) The number of low-income families in the target area; (5) The number of low-income students and other persons residing in the area; and (5) The number of persons to be served by the Center.

(ii) The extent to which the applicant has successfully operated a Center comparable to or otherwise authorized under this part. Funds are not funded under the Educational Opportunity Center Program other than funds under the Educational Opportunity Center Program, any applicant shall provide a description of that Center, including the number of low-income persons served by the Center in comparison to the number served by the applicant's previous Center.

2 (d) Criteria for approval. The criteria for approving an application for a multi-year project that has no cap, as indicated in the Notice of Proposed Rule Making, will be as follows:

2.0 In 1974 (vol. 49, no. 72, p. 16074): The Commission adopted a Report and Order in Docket 16094 and 16095 which made certain changes in the FM and TV station field strength requirements. Included were revised charts for use in predicting the location of pertinent contours, procedures for conducting field strength measurements as a substitute for use of the prediction method and procedures for using terrain roughness corrections to refine the results obtainable from use of the charts alone. Employment of terrain roughness corrections in filings by FM and TV stations was subsequently deferred by the Commission.

The Commission expressed confidence that these problems could be dealt with and that appropriate procedures could be developed for use in such cases.

As the Commission has continued its efforts to develop the necessary procedures, it has become even more clear that appropriate procedures can and will be developed. However, it also is clear that additional time will be necessary to complete this work. For that reason, an additional stay is required. The Commission believes that the additional stay of one year should provide enough time to complete this study.

At that point, the Commission should be prepared to adopt a procedure employing the sound concepts on which terrain roughness corrections are based and do so in a manner that will incorporate appropriate techniques for use in the distinct minority of cases where there are anomalies in the terrain situation.

During the period of the additional stay ordered here, the situation will remain as it has been during the preceding stay. That is, predicted contours will be calculated using the new curves but without regard to terrain roughness. As we observed earlier, where doubt is expressed about the accuracy of these contours, parties are free to file supplemental showings under § 73.889(a) of these rules. The use of predicted contours calculated with the new propagation curves is limited, naturally, only to those regulatory areas not subject to earlier Commission pronouncements as to the use of predicted contours.

Accordingly, it is ordered, Pursuant to Sections 4(i), 4(j), 6 and 15 of the Commission Act of 1927, as amended, that the effectiveness of §§ 73.213, 73.333, 73.684 and 73.889 is stayed until May 1, 1977.


Released: May 18, 1976.

FEDERAL REGISTER, VOL. 41, NO. 95—FRIDAY, MAY 14, 1976.