

[FCC 76-382]

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

In the matter of temporary suspension of certain portions of §§ 73.313, 73.333, 73.684 and 73.699 of the Commission's Rules and Regulations. Staying Effectiveness of §§ 73.313, 73.333, 73.684, 73.699.

1. On May 29, 1975, the Commission adopted a Report and Order in Dockets 16004 and 18052 which made certain changes in the methods of predicting FM and TV station field strength contours. Included were revised charts for use in predicting the location of pertinent contours, procedure 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 75-1226), staying the effectiveness of several 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 these terrain roughness corrections, it did acknowledge that they could lead to erroneous results if the terrain roughness factor were employed in these atypical cases. Nonetheless, 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 § 73.684(f) of these

¹ §§ 73.313 (f), (g), (h), (i), and (j); 73.333 figures 4 and 5; 73.684 (h), (i), (j), (k), and (l) and 73.699 figures 10d and 10e.

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 proclamations as to the use of predicted contours.³

4. Accordingly, it is ordered, Pursuant to Sections 4(i), 403 and 408 of the Communications Act of 1934, as amended, that the effectiveness of §§ 73.313, 73.333, 73.684 and 73.699 is stayed until May 1, 1977.

(Secs. 4, 403, 408, 48 Stat., as amended, 1906, 1094, 1096; 47 U.S.C. 154, 403, 408.)

Adopted: April 27, 1976.

Released: May 10, 1976.

FEDERAL COMMUNICATIONS
 COMMISSION,
 [SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-14869 Filed 5-12-76;8:45 am]

Title 45—Public Welfare

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

PART 154—EDUCATIONAL OPPORTUNITY CENTERS

Criteria for the Funding of Applications

On page 59218 of the FEDERAL REGISTER of December 23, 1975 there was published a notice of proposed rulemaking to amend the funding criteria set forth in § 154.6 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 § 154.6 is hereby adopted without change and is set forth below.

Effective date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (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 such transmissions, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.543 Educational Opportunity Centers.)

Dated: March 8, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: May 5, 1976.

DAVID MATHEWS,
*Secretary of Health, Education,
 and Welfare.*

² If the parties wish to do so, they may offer showings based on terrain roughness. These showings will be reviewed by the Commission and given such consideration as they merit.

³ See e.g., Notice of Proposed Rule Making in Docket 20493, FCC 75-835, 63 P.C.O. 26

Section 154.6 of Part 154 of title 45 of the Code of Federal Regulations, revised to read as follows:

§ 154.6 Funding criteria.

(a) **Continuation awards.** Priority will be given to a request for funds to continue the operation of a Center that (1) received funds in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (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 implementing the approved work plan and in achieving the Center's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The Center continues to offer promise of success in providing information to residents of the target area, on the variety of postsecondary options available, increasing the rate at which persons from the target area enroll in postsecondary educational institutions, and improving the rate at which enrolled students from the target area remain in and complete programs of postsecondary education;

(4) All required reports, including data collections reports and quarterly performance and fiscal reports, have been received and accepted by the Commissioner; and

(5) Funds are available to continue the Center.

(c) **New awards.** Except as provided in paragraphs (d) and (e) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in § 154.26(b) of this chapter, as well as the following additional criteria:

(1) The degree to which services are needed to enhance access to postsecondary education, as indicated by: (i) the number of secondary and postsecondary students and other persons residing in the area; (ii) the number of low-income families in the target area; (iii) the historical rate of participation in postsecondary education by residents in the area; and (iv) the number of persons to be served by the Center;

(2) The extent to which the applicant has successfully operated a Center comparable or identical to those authorized under this part. If that Center was not funded under the Educational Opportunity Centers Program, the applicant shall provide a description of that Center, including the number of low-income persons served and the kinds of services offered, the number of persons enrolled in and graduated from postsecondary institutions as the result of services offered,

1669 (1975), which established a special procedure for the use of field strength contours in cases concerning broadcast, cable television broadcast station carriage.