

Authority: 46 U.S.C. 2213, 3102, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 193.01–3 [Amended]

228. § 193.01–3(b), under the entry for American Society for Testing and Materials, remove the words “1916 Race Street, Philadelphia, PA 19103” and add, in their place, the words “100 Barr Harbor Drive, West Conshohocken, PA 19428–2959”.

PART 194—HANDLING, USE, AND CONTROL OF EXPLOSIVES AND OTHER HAZARDOUS MATERIALS

229. The authority citation for 194 continues to read as follows:

Authority: 46 U.S.C. 2103, 2113, 3306; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 194.05–3 [Amended]

230. In § 194.05–3(b), add “(G-MSO)” immediately following the word “Commandant”.

§ 194.05–7 [Amended]

231. In § 194.05–7(c)(1), remove the number “176.83” and add, in its place, the number “176.144”.

§ 194.10–35 [Amended]

232. In § 194.10–35(e), remove the number “176.150” and add, in its place, the number “176.137”.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

233. The authority citation for part 195 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 195.01–3 [Amended]

234. In § 195.01–3(b), under the entry for American Society for Testing and Materials, remove the words “1916 Race St., Philadelphia, PA 19103” and add, in their place, the words “100 Barr Harbor Drive, West Conshohocken, PA 19428–2959”.

PART 199—LIFESAVING APPLIANCES AND ARRANGEMENTS

235. The authority citation for part 199 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 46 CFR 1.46.

§ 199.05 [Amended]

236. In § 199.05(b), under the entry for American Society for Testing and Materials (ASTM), remove the words “1916 Race Street, Philadelphia, PA 19103” and add, in their place, the words “100 Barr Harbor Drive, West

Conshohocken, PA 19428–2959”; and under the entry for International Maritime Organization (IMO), add the words “Publications Section” immediately before the words “4 Albert Embankment” and remove the word “England” and add, in its place, the words “United Kingdom”.

Dated: September 19, 1997.

R.C. North,

Rear Admiral, U. S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97–25573 Filed 9–29–97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 1

[DA 97–1994]

Commission Organization and Agency Practice and Procedure

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is amending part 1 of the Commission's Rules to remove specific references which are either superseded by the Office of Government Ethics' regulations or which are rendered obsolete because there is no equivalent language in the revised statute. The Commission is also amending part 0 to correct an oversight in the functions of the Managing Director and authority delegated to the General Counsel to clarify that the Designated Agency Ethics Official is responsible for making determinations concerning waivers of section 4(b) of the Communications Act and the Federal conflict of interest statutes.

EFFECTIVE DATE: September 30, 1997.

FOR FURTHER INFORMATION CONTACT: Sharon B. Kelley, Office of General Counsel, (202) 418–1720.

SUPPLEMENTARY INFORMATION:

Adopted: September 15, 1997.

Released: September 16, 1997.

1. The rule changes below remove from part 1 of the Commission's rules on Commission Practice and Procedure specific references to 18 U.S.C. § 207 which are either superseded by the Office of Government Ethics' (OGE's) regulations found at 5 CFR 2641, or rendered obsolete because there is no equivalent language in revised 18 U.S.C. § 207.

2. There have been several significant amendments to 18 U.S.C. § 207. Under

the Ethics Reform Act of 1989, Public Law 101–194 (1989), sections 207 (g) and (j) were removed. A subsequent amendment to section 207(c)(2)(A)(ii) substituted “level 5 of the Senior Executive Service” for “level 5 of the Executive Schedule” and an amendment to section 207(j) provided an additional exception from the one-year bar found at 18 U.S.C. §§ 207 (c) and (d) for certain political activity by senior Federal employees. *OGE Reauthorization Act of 1996*, Public Law 104–179, §§ 5, 6 (1996). Because the references to section 207 contained in part 0 of the Commission's rules have been superseded by OGE regulations or made obsolete by subsequent changes to section 207, we are removing them herein.

3. In compliance with the OGE's new government-wide Standards of Ethical Conduct (5 CFR 2635), on July 20, 1994, the Commission adopted an *Order* delegating authority to the General Counsel to assume the responsibilities of serving as the Commission's Designated Agency Ethics Official (DAEO). 59 FR 39703 (August 4, 1994), 9 FCC Rcd. 3596 (1994); 5 CFR 2638.201–2638.202; 47 CFR 0.251(a). Although determinations concerning waivers of the applicability of section 4(b) of the Communications Act and the Federal conflict of interest statutes (*i.e.*, 18 U.S.C. §§ 203, 205 and 208) fall within the broad delegated authority given to the DAEO, *see* 5 CFR 2638.201, corresponding revisions were not made to the functions of the Office of the Managing Director and authority delegated to the General Counsel in part 0 of the Commission's rules. 47 CFR 0.11(a) (9) and 0.251. To correct this oversight, we are amending these sections to reflect that the DAEO is responsible for making determinations concerning waivers of section 4(b) of the Communications Act and the Federal conflict of interest statutes.

4. The revisions adopted in this *Order* apply to internal rules of agency personnel organization, management, practice and procedure for which notice and comment is not required. 5 U.S.C. §§ 553 (a)(2), (b)(3)(A) and (d).

5. Accordingly, effective upon publication in the **Federal Register**, parts 0 and 1 of the Commission's rules, as set forth below, pursuant to the authority contained in sections 4(i), 5(c) and 303(r) of the Communications Act, 47 U.S.C. §§ 154(i), 155(c) and 303(r), and section 0.231(b) of the Commission's regulations, 47 CFR 0.231(b).

List of Subjects**47 CFR Part 0**

Commission Organization.

47 CFR Part 1

Practice and Procedure.

Federal Communications Commission.

Andrew S. Fishel,
Managing Director.

Rule Changes

Parts 0 and 1 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

§ 0.11 Functions of the office.

2. In § 0.11, remove and reserve paragraph (a)(9).

§ 0.231 Authority delegated.

3. In § 0.231, remove and reserve paragraphs (c) and (f).

§ 0.251 Authority delegated.

4. In § 0.251, add new paragraph (i) to read as follows:

* * * * *

(i) The General Counsel is delegated authority to make determinations regarding and waive the applicability of section 4(b) of the Communications Act (47 U.S.C. § 154(b)) and the Federal conflict of interest statutes (18 U.S.C. §§ 203, 205 and 208).

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 207, 303 and 309(j) unless otherwise noted.

§ 1.25 [Removed and Reserved]

6. Section 1.25 is removed and reserved.

§ 1.28 [Removed and Reserved]

7. Section 1.28 is removed and reserved.

§ 1.29 [Removed and Reserved]

8. Section 1.29 is removed and reserved.

[FR Doc. 97-25853 Filed 9-29-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1, 73, and 74**

[MM Docket No. 96-58, FCC 97-290]

Certain Minor Changes in Broadcast Facilities Without a Construction Permit

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The *Report and Order* (R&O) in MM Docket No. 96-58 adopts proposals made by the Commission in the *Notice of Proposed Rulemaking* (61 FR 15439, April 8, 1996) in this proceeding to streamline the Commission's rules and processes applicable to broadcast stations. These rule and process changes eliminate the construction permit requirement for certain minor changes to broadcast facilities, replacing the present two-step construction permit/license application process with a one-step modification-of-license application, filed after the broadcaster has implemented the permitted changes. The types of modifications permitted under the new process were chosen so that interference to other facilities would not be created by the changes. Additional rules sections were revised to make clarifications and to conform the rules to present policy.

EFFECTIVE DATE: December 1, 1997.

FOR FURTHER INFORMATION CONTACT: Dale Bickel, Mass Media Bureau, Audio Services Division, (202) 418-2720, or via the Internet at dbickel@fcc.gov. For additional information concerning the information collections contained in the R&O, contact Judy Boley at (202) 418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is the synopsis of the Commission's *Report and Order* in MM Docket No. 96-58, adopted August 14, 1997, and released August 22, 1997. The complete text of this *Report and Order*, is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, DC, and may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., at (202) 857-3800, 1231 20th Street, N.W., Washington, DC 20036. The complete text is also available as a Word Perfect 5.1 file through the Internet at http://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/fcc97290.wp.

Synopsis of the Report and Order

1. The rule and procedure changes adopted in the *Report and Order* in MM Docket 96-58 were enabled by Congress' change, at the Commission's request, of Section 403(m) in the Communications Act in its Telecommunications Act of 1996. Subsequently, in the *Notice of Proposed Rulemaking*, the Commission proposed to eliminate the requirement for a construction permit in certain instances of modifications to broadcast facilities, replacing the two-step construction permit/application process with a single step modification of license application, which would be filed by the permittee or licensee of the station once the permitted modifications had been made.

2. The circumstances in which "one step" modifications may be made through the filing of a license application are as follows, briefly:

(1) Most commercial FM stations which comply with § 73.207 spacing rules with respect to all other stations, and which are not operating with the maximum permitted facilities, may increase effective radiated power (ERP) to the maximum permitted for the station class.

(2) Commercial FM stations and most TV stations presently operating with zero or reduced vertically polarized power, may increase the vertically polarized ERP up to the authorized horizontal ERP without a construction permit.

(3) Noncommercial educational FM stations presently operating with zero or reduced vertically polarized ERP may also increase the vertical ERP up to the authorized horizontal ERP, provided that the FM station is not located within a specified radius of a TV Channel 6 station.

(4) Decreases in ERP will be permitted for FM stations, provided that the required coverage to the community of license is maintained.

(5) The § 73.215 contour protection designation for an FM commercial station may be deleted where a short-spaced station has moved away, allowing the contour protection station to become licensed per § 73.207.

(6) If an FM or TV antenna is replaced, or for installation of a new antenna, the applicant may mount the antenna up to 2 meters above or 4 meters below the value specified on its license or construction permit.

(7) FM and TV directional antennas may be replaced under certain circumstances.

(8) Former licensed main auxiliary applications for FM and TV stations may be relicensed as auxiliary (backup)