

Federal Communications Commission

§ 73.1226

NOTE: For purposes of this rule, "public harm" must begin immediately, and cause direct and actual damage to property or to the health or safety of the general public, or diversion of law enforcement or other public health and safety authorities from their duties. The public harm will be deemed foreseeable if the licensee could expect with a significant degree of certainty that public harm would occur. A "crime" is any act or omission that makes the offender subject to criminal punishment by law. A "catastrophe" is a disaster or imminent disaster involving violent or sudden event affecting the public.

[57 FR 28640, June 26, 1992]

§ 73.1225 Station inspections by FCC.

(a) The licensee of a broadcast station shall make the station available for inspection by representatives of the FCC during the station's business hours, or at any time it is in operation.

(b) In the course of an inspection or investigation, an FCC representative may require special equipment tests, program tests or operation with nighttime or presunrise facilities during daytime hours pursuant to § 0.314, part 0, of the FCC rules.

(c) The following records shall be made available by all broadcast stations upon request by representatives of the FCC.

(1) Equipment performance measurements required by §§ 73.1590 and 73.1690.

(2) The written designations for chief operators and, when applicable, the contracts for chief operators engaged on a contract basis.

(3) Application for modification of the transmission system made pursuant to § 73.1690(c).

(4) Informal statements or drawings depicting any transmitter modification made pursuant to § 73.1690(e).

(5) Station logs and special technical records.

(d) Commercial and noncommercial AM stations must make the following information also available upon request by representatives of the FCC.

(1) Copy of the most recent antenna or common-point impedance measurements.

(2) Copy of the most recent field strength measurements made to establish performance of directional antennas required by § 73.151.

(3) Copy of the partial directional antenna proofs of performance made in

accordance with § 73.154 and made pursuant to the following requirements:

(i) Section 73.68, Sampling systems for antenna monitors.

(ii) Section 73.69, Antenna monitors.

(iii) Section 73.61, AM direction antenna field strength measurements.

[43 FR 45846, Oct. 4, 1978; 43 FR 50683, Oct. 31, 1978, as amended at 51 FR 41629, Nov. 18, 1986; 51 FR 44478, Dec. 10, 1986; 57 FR 48333, Oct. 23, 1992]

§ 73.1226 Availability to FCC of station logs and records.

The following shall be made available to any authorized representative of the FCC upon request:

(a) Station records and logs shall be made available for inspection or duplication at the request of the FCC or its representative. Such logs or records may be removed from the licensee's possession by an FCC representative or, upon request, shall be mailed by the licensee to the FCC by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by an FCC representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the FCC has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(1) Logs and records stored on microfilm, microfiche or other data-storage systems are subject to the requirements pertaining thereto found in § 73.1840(b).

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the chief of the law enforcement agency