

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: January 23, 1996.  
 Jack W. McGraw,  
*Acting Regional Administrator.*  
 40 CFR part 81 is amended as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Section 81.342 is amended by revising the table for "South Dakota—PM-10" to read as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**§ 81.342 South Dakota.**  
 \* \* \* \* \*

**SOUTH DAKOTA—PM-10**

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Rapid City Area .....	11/15/90 .....	Unclassifiable .....		
Rest of State <sup>1</sup> .....	April 8, 1996 .....	Attainment .....		

<sup>1</sup> Denotes a single area designation for PSD baseline area purposes.

\* \* \* \* \*  
 [FR Doc. 96-2497 Filed 2-5-96; 8:45 am]  
 BILLING CODE 6560-50-P

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Public Land Order 7182**

[AK-931-1430-01; F-031676]

**Partial Revocation of Public Land Order No. 3689; Alaska**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order partially revokes a public land order insofar as it affects 18.85 acres of public and nonpublic land withdrawn for use by the military for the Lakeview Pumping Station. The land is no longer needed for the purpose for which it was withdrawn. A portion of the parcel has been deeded to the State of Alaska and is no longer public land. The remainder of the parcel will continue to be withdrawn as part of the Tetlin National Wildlife Refuge, as established and designated by the Alaska National Interest Lands Conservation Act. This action is for record clearing purposes only.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Shirley J. Macke, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 3689, which withdrew public land for use by the Department of the Army for the

Lakeview Pumping Station, is hereby revoked insofar as it affects the following described land:

**Copper River Meridian**

Located within secs. 28 and 33 of T. 14 N., R. 20 E., currently described as:  
 U.S. Survey No. 4360, which contains 16.35 acres; and  
 U.S. Survey No. 2784, lot 1, which contains 2.50 acres.  
 The areas described contain a total of 18.85 acres.

2. Any of the land described in this order that is part of the Tetlin National Wildlife Refuge will continue to be withdrawn pursuant to Sections 302(8) and 304(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 668(dd) (1988), and will continue to be subject to the terms and conditions of any other withdrawal or segregation of record.

3. Any public land affected by this order that may be outside of the Tetlin National Wildlife Refuge will remain withdrawn from all forms of entry, appropriation, or disposal under the public land laws until a further opening order is published.

Dated: January 26, 1996.  
 Bob Armstrong,  
*Assistant Secretary of the Interior.*  
 [FR Doc. 96-2385 Filed 2-5-96; 8:45 am]  
 BILLING CODE 4310-JA-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 0, 1, 17, 21, 22, 23, 24, 25, 73, 74, 78, 80, 87, 90, 94, 95, and 97**

[WT Docket No. 95-5, FCC 95-473]

**Streamlining the Antenna Structure Clearance Procedure and Revision of the Rules Concerning Construction, Marking, and Lighting of Antenna Structures**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final Rule.

**SUMMARY:** The Commission has adopted a Report and Order to streamline the Commission's antenna structure clearance process by instituting a uniform registration process for structure owners, revise the current antenna structure painting and lighting requirements in keeping with updated recommendations by the Federal Aviation Administration (FAA), and make antenna structure owners primarily responsible for antenna structures that require painting and/or lighting. These amendments reduce the number of Commission filings, expedite the processing of authorizations involving FAA coordination, and clarify rules concerning the painting and lighting of antenna structures.

**DATES:** These regulations are effective March 7, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 7, 1996. Written comments by the public on the proposed and/or modified information collections are due March 7, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the

information collections on or before April 8, 1996.

**ADDRESSES:** A copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, room 234, 1919 M Street NW., Washington, DC 20554, or via the Internet to [dconway@fcc.gov](mailto:dconway@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street NW., Washington, DC 20503 or via the Internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Roger Noel of the Wireless Telecommunications Bureau at (202) 418-0680, or Robert Greenberg of the Mass Media Bureau at (202) 418-2720. For additional information concerning the information collections contained in this *Report and Order* contact Dorothy Conway at 202-418-0217, or via the Internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, adopted November 28, 1995, and released November 30, 1995. The full text of this action is available for inspection and copying during normal business hours in the FCC Reference Center, room 239, 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

#### Summary of Report and Order

1. In this action, the Commission made three distinct changes to the rules. First, the Commission replaced the current clearance process with a streamlined procedure for registering each antenna structure which requires FAA notification. The registration process requires the antenna structure owner, not the licensees or permittees using the structure, to (1) Register the antenna structure with the Commission, (2) maintain the structure's painting and lighting in accordance with the Commission's Rules, (3) notify the Commission of changes in height, coordinates, ownership, painting, or lighting of the structure, and (4) notify the Commission upon dismantling the structure. This proposed action does not impose a greater net filing burden on the public, but instead decreases the number of entities affected by these requirements.

2. Second, the Commission incorporated by reference the recommendations found in the following two FAA Advisory Circulars: *Obstruction Marking and Lighting* (AC 70/7460-1H) released August, 1991, and *Specification for Obstruction Lighting*

*Equipment* (AC 150/5345-43D) released July, 1988. This change updates the Commission's Rules in light of the FAA's recent air safety recommendations and would grandfather the present painting and lighting requirements of existing structures indefinitely, so long as further FAA coordination is not required. This action serves to streamline the Commission's Rules and increase air safety.

3. Third, the Commission implemented statutory language holding antenna structure owners primarily responsible for compliance with the Commission's painting and lighting requirements. This means that the Commission would first look toward structure owners to ensure that antenna structures are painted and lighted in accordance with the Commission's Rules. In cases where reliance on the owner proves ineffective, the Commission would turn toward the tenant licensees and permittees to ensure that the structure is properly painted and lighted.

4. The rules are set forth at the end of this document.

5. This *Report and Order* is issued under the authority of sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r).

#### Final Regulatory Flexibility Analysis Need and Purpose of This Action

This *Report and Order* seeks to: (1) Reduce the number of filings to the Commission regarding changes to antenna structures, (2) expedite application and notification processing, (3) unify and streamline federal painting and lighting regulations to ease the public and governmental burdens associated with processing certain applications, and (4) increase safety in air navigation.

#### Summary of the Issues Raised by the Public Comments in Response to the Initial Flexibility Analysis

There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

#### Significant Alternatives Considered

No significant alternative to this action was contained in the *Notice* or suggested by commenters. The action represents the best means to achieve the regulatory objective of minimizing the regulatory burden on the public.

#### Paperwork Reduction Act

This *Report and Order* contains information collections. The Commission, as part of its continuing

effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this *Report and Order*, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due 30 days from date of publication of this *Report and Order* in the Federal Register; OMB comments are due 60 days from date of publication of this *Report and Order* in the Federal Register. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Approval Number:* 3060-0645  
*Title:* Antenna Registration Part 17

*Form No:* Not applicable

*Type of Review:* Revision of existing collection

*Respondents:* Businesses; not-for-profit institutions; state, local or tribal government

*Number of Respondents:* 14,965

*Estimated Time Per Response:* .05

*Total Annual Burden:* 748

*Needs and Uses:* The notification requirement requires those licensees who experience antenna structure lighting outages to notify the FAA of improperly functioning antenna structure lights. This information is used by FAA personnel to assure that aviators are aware of unlit antenna structures that would otherwise cause a hazard to air navigation.

*OMB Approval Number:* 3060-0645

*Title:* Antenna Registration Part 17

*Form No:* Not applicable

*Type of Review:* Revision of existing collection

*Respondents:* Businesses; not-for-profit institutions; state, local or tribal government

*Number of Respondents:* 14,965

*Estimated Time Per Response:* .25

*Total Annual Burden:* 3,741

*Needs and Uses:* The recordkeeping requirement requires those licensees who experience problems with the lighting of their antenna structure lighting to keep a record of the malfunction with the station records. This information is used by FCC personnel to ensure that antenna structure lighting systems are properly maintained.

## List of Subjects

*47 CFR Part 0*

Organization and functions (Government agencies).

*47 CFR Part 1*

Administrative practice and procedure.

*47 CFR Part 17*

Antennas, Aviation safety, Communications equipment, Incorporation by reference, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 21*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 22*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 23*

Radio, Reporting and recordkeeping requirements.

*47 CFR Part 24*

Radio, Reporting and recordkeeping requirements.

*47 CFR Part 25*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 73*

Radio broadcasting, Television broadcasting.

*47 CFR Part 74*

Radio broadcasting, Television broadcasting.

*47 CFR Part 78*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 80*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 87*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 90*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 94*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 95*

Communications equipment, Radio, Reporting and recordkeeping requirements.

*47 CFR Part 97*

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

## Final Rules

Parts 0, 1, 17, 21, 22, 23, 24, 25, 73, 74, 78, 80, 87, 90, 94, 95, and 97 of Title 47 of the Code of Federal Regulations are amended as follows:

## I.

**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, 225, unless otherwise noted.

2. Section 0.131 is amended by revising paragraph (j) to read as follows:

**§ 0.131 Functions of the Bureau.**

\* \* \* \* \*

(j) Administers the Commission's commercial radio operator program (Part 13 of this chapter) and the Commission's program for registration, construction, marking and lighting of antenna structures (Part 17 of this chapter).

\* \* \* \* \*

## II.

**PART 1—PRACTICE AND PROCEDURE**

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

Authority: 47 U.S.C. 154, 303, 503(b)(5); 5 U.S.C. 552, 21 U.S.C. 853a, unless otherwise noted.

4. Section 1.61 is amended by revising paragraphs (a) and (b), removing paragraphs (c), (d), (e), and (f), redesignating paragraph (g) as paragraph (c) and revising its introductory paragraph to read as follows:

**§ 1.61 Procedures for handling applications requiring special aeronautical study.**

(a) Antenna Structure Registration is conducted by the Wireless Telecommunications Bureau as follows:

(1) Each antenna structure owner that must notify the FAA of proposed construction using FAA Form 7460-1 shall, upon proposing new or modified construction, register that antenna structure with the Wireless

Telecommunications Bureau using FCC Form 854.

(2) If an Environmental Assessment is required under § 1.1307, the Bureau will address the environmental concerns prior to processing the registration.

(3) If a final FAA determination of "no hazard" is not submitted along with FCC Form 854, processing of the registration may be delayed or disapproved.

(4) If the owner of the antenna structure cannot file FCC Form 854 because it is subject to a denial of federal benefits under the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, the first licensee authorized to locate on the structure must register the structure using FCC Form 854, and provide a copy of the Antenna Structure Registration (FCC Form 854R) to the owner. The owner remains responsible for providing a copy of FCC Form 854R to all tenant licensees on the structure and for posting the registration number as required by § 17.4(g) of this chapter.

(5) Upon receipt of FCC Form 854, and attached final FAA determination of "no hazard," the Bureau prescribes antenna structure painting and/or lighting specifications or other conditions in accordance with the FAA airspace recommendation and returns a completed Antenna Structure Registration (FCC Form 854R) to the registrant. If the proposed structure is disapproved the registrant is so advised.

(b) Each operating Bureau or Office examines the applications for Commission authorization for which it is responsible to ensure compliance with FAA notification procedures as well as Commission Antenna Structure Registration as follows:

(1) If Antenna Structure Registration is required, the operating Bureau reviews the application for the Antenna Structure Registration Number and proceeds as follows:

(i) If the application contains the Antenna Structure Registration Number or if the applicant seeks a Cellular or PCS system authorization, the operating Bureau processes the application.

(ii) If the application does not contain the Antenna Structure Registration Number, but the structure owner has already filed FCC Form 854, the operating Bureau places the application on hold until Registration can be confirmed, so long as the owner exhibits due diligence in filing.

(iii) If the application does not contain the Antenna Structure Registration Number, and the structure

owner has not filed FCC Form 854, the operating Bureau notifies the applicant that FCC Form 854 must be filed and places the application on hold until Registration can be confirmed, so long as the owner exhibits due diligence in filing.

(2) If Antenna Structure Registration is not required, the operating Bureau processes the application.

(c) Where one or more antenna farm areas have been designated for a community or communities (see § 17.9 of this chapter), an application proposing the erection of an antenna structure over 1,000 feet in height above ground to serve such community or communities will not be accepted for filing unless:

\* \* \* \* \*

### III.

#### **PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES**

5. The authority citation for Part 17 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 309, 48 Stat. 1081, 1085 as amended; 47 U.S.C. 301, 309.

6. Section 17.1 is revised to read as follows:

##### **§ 17.1 Basis and purpose.**

(a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vest authority in the Federal Communications Commission to issue licenses to radio stations when it is found that the public interest, convenience, and necessity would be served thereby, and to require the painting, and/or illumination of antenna structures if and when in its judgment such structures constitute, or there is reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of this part is to prescribe certain procedures for antenna structure registration and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to antenna structure owners. The standards are referenced from two Federal Aviation Administration (FAA) Advisory Circulars.

7. Section 17.2 is amended by revising paragraph (a) and adding new paragraphs (c) and (d) to read as follows:

##### **§ 17.2 Definitions.**

(a) *Antenna structure.* The term antenna structure includes the radiating and/or receive system, its supporting

structures and any appurtenances mounted thereon.

\* \* \* \* \*

(c) *Antenna structure owner.* For the purposes of this part, an antenna structure owner is the individual or entity vested with ownership, equitable ownership, dominion, or title to the antenna structure. Notwithstanding any agreements made between the owner and any entity designated by the owner to maintain the antenna structure, the owner is ultimately responsible for compliance with the requirements of this part.

(d) *Antenna structure registration number.* A unique number, issued by the Commission during the registration process, which identifies an antenna structure. Once obtained, this number must be used in all filings related to this structure.

8. Section 17.4 is revised to read as follows:

##### **§ 17.4 Antenna structure registration.**

(a) Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission. This includes those structures used as part of stations licensed by the Commission for the transmission of radio energy, or to be used as part of a cable television head end system. If a Federal Government antenna structure is to be used by a Commission licensee, the structure must be registered with the Commission.

(1) For a proposed antenna structure or alteration of an existing antenna structure, the owner must register the structure prior to construction or alteration.

(2) For an existing antenna structure that had been assigned painting or lighting requirements prior to July 1, 1996, the owner must register the structure prior to July 1, 1998.

(3) For a structure that did not originally fall under the definition of "antenna structure," the owner must register the structure prior to hosting a Commission licensee.

(b) Except as provided in paragraph (e) of this section, each owner must file FCC Form 854 with the Commission. Additionally, each owner of a proposed structure referred to in paragraphs (a)(1) or (a)(3) of this section must submit a valid FAA determination of "no hazard." In order to be considered valid by the Commission, the FAA determination of "no hazard" must not have expired prior to the date on which FCC Form 854 is received by the Commission. The height of the structure

will include the highest point of the structure including any obstruction lighting or lighting arrester.

(c) If an Environmental Assessment is required under § 1.1307 of this chapter, the Bureau will address the environmental concerns prior to processing the registration.

(d) If a final FAA determination of "no hazard" is not submitted along with FCC Form 854, processing of the registration may be delayed or disapproved.

(e) If the owner of the antenna structure cannot file FCC Form 854 because it is subject to a denial of federal benefits under the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, the first tenant licensee authorized to locate on the structure (excluding tenants that no longer occupy the structure) must register the structure using FCC Form 854, and provide a copy of the Antenna Structure Registration (FCC Form 854R) to the owner. The owner remains responsible for providing a copy of FCC Form 854R to all tenant licensees on the structure and for posting the registration number as required by paragraph (g) of this section.

(f) The Commission shall issue, to the registrant, FCC Form 854R, Antenna Structure Registration, which assigns a unique Antenna Structure Registration Number. The structure owner shall immediately provide a copy of Form 854R to each tenant licensee and permittee.

(g) Except as described in paragraph (h) of this section, the Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure.

(h) The owner is not required to post the Antenna Structure Registration Number in cases where a federal, state, or local government entity provides written notice to the owner that such a posting would detract from the appearance of a historic landmark. In this case, the owner must make the Antenna Structure Registration Number available to representatives of the Commission, the FAA, and the general public upon reasonable demand.

9. A new section 17.5 is added to Subpart A to read as follows:

##### **§ 17.5 Commission consideration of applications for station authorization.**

(a) Applications for station authorization, excluding services authorized on a geographic basis, are

reviewed to determine whether there is a requirement that the antenna structure in question must be registered with the Commission.

(b) If registration is required, the registrant must supply the structure's registration number upon request by the Commission.

(c) If registration is not required, the application for authorization will be processed without further regard to this chapter.

10. A new section 17.6 is added to Subpart A to read as follows:

**§ 17.6 Responsibility of Commission licensees and permittees.**

(a) The antenna structure owner is responsible for maintaining the painting and lighting in accordance with this part. However, if a licensee or permittee authorized on an antenna structure is aware that the structure is not being maintained in accordance with the specifications set forth on the Antenna Structure Registration (FCC Form 854R) or the requirements of this part, or otherwise has reason to question whether the antenna structure owner is carrying out its responsibility under this part, the licensee or permittee must take immediate steps to ensure that the antenna structure is brought into compliance and remains in compliance. The licensee must:

- (1) Immediately notify the structure owner;
- (2) Immediately notify the site management company (if applicable);
- (3) Immediately notify the Commission; and,
- (4) Make a diligent effort to immediately bring the structure into compliance.

(b) In the event of non-compliance by the antenna structure owner, the Commission may require each licensee and permittee authorized on an antenna structure to maintain the structure, for an indefinite period, in accordance with the Antenna Structure Registration (FCC Form 854R) and the requirements of this part.

(c) If the owner of the antenna structure cannot file FCC Form 854 because it is subject to a denial of federal benefits under the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, the first licensee authorized to locate on the structure must register the structure using FCC Form 854, and provide a copy of the Antenna Structure Registration (FCC Form 854R) to the owner. The owner remains responsible for providing a copy of FCC Form 854R to all tenant licensees on the structure and for posting the registration number as required by § 17.4(g).

11. Subpart B is amended by revising its heading to read as follows:

**Subpart B—Federal Aviation Administration Notification Criteria**

12. Section 17.10 is amended by revising the introductory paragraph to read as follows:

**§ 17.10 Antenna structures over 304.80 meters (1,000 feet) in height.**

Where one or more antenna farm areas have been designated for a community or communities (see § 17.9), the Commission will not accept for filing an application to construct a new station or to increase height or change antenna location of an existing station proposing the erection of an antenna structure over 304.80 meters (1,000 feet) above ground unless:

\* \* \* \* \*

13. Section 17.14 is amended by revising the first sentence in paragraph (a) to read as follows:

**§ 17.14 Certain antenna structures exempt from notification to the FAA.**

\* \* \* \* \*

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, *and* would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. \* \* \*

\* \* \* \* \*

14. Section 17.17 is amended by revising paragraph (a) to read as follows:

**§ 17.17 Existing structures.**

(a) The requirements found in § 17.23 relating to painting and lighting of antenna structures shall not apply to those structures authorized prior to July 1, 1996. Previously authorized structures may retain their present painting and lighting specifications, so long as the overall structure height or site coordinates do not change. The Antenna Structure Registration requirements found in § 17.5, however, shall apply to all antenna structures that have been assigned painting or lighting requirements by the Commission, regardless of prior authorization.

\* \* \* \* \*

15. Section 17.22 is amended by revising the first sentence to read as follows:

**§ 17.22 Particular specifications to be used.**

Whenever painting or lighting is required, the Commission will generally assign specifications in accordance with

the FAA Advisory Circulars referenced in § 17.23.\* \* \*

16. Section 17.23 is revised to read as follows:

**§ 17.23 Specifications for painting and lighting antenna structures.**

Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after July 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the following FAA Advisory Circulars: AC 70/7460-1H, "Obstruction Marking and Lighting," August 1, 1991, as amended by Change 2, July 15, 1992, and AC 150/5345-43D, "Specification for Obstruction Lighting Equipment," July 15, 1988. These documents are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The documents contain FAA recommendations for painting and lighting structures which pose a potential hazard to air navigation. For purposes of this part, the specifications, standards, and general requirements stated in these documents are mandatory. The Advisory Circulars listed above are available for inspection at the Commission Headquarters in Washington, DC, 2025 M Street NW., room 8112, or at the Office of the Federal Register, 800 North Capitol Street, NW., room 700, Washington, DC., or may be obtained from Department of Transportation, Utilization and Storage Section (Publications), M443.2, 400 7th Street SW, Washington, DC 20590, telephone (202) 366-0039 or (202) 366-0451.

**§§ 17.24 through 17.43 [Removed and reserved]**

17. Sections 17.24 through 17.43 are removed and reserved.

18. Section 17.47 is revised to read as follows:

**§ 17.47 Inspection of antenna structure lights and associated control equipment.**

The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part:

- (a)(1) Shall make an observation of the antenna structure's lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,
- (2) Shall provide and properly maintain an automatic alarm system

designed to detect any failure of such lights and to provide indication of such failure to the owner.

(b) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators, and alarm systems associated with the antenna structure lighting to insure that such apparatus is functioning properly.

19. Section 17.48 is amended by revising the introductory paragraph and the second sentence in paragraph (a) to read as follows:

**§ 17.48 Notification of extinguishment or improper functioning of lights.**

The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part:

(a) \* \* \* Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report. \* \* \*

\* \* \* \* \*

20. Section 17.49 is amended by revising the section heading, the introductory paragraph, and paragraph (c) and adding a new paragraph (d) to read as follows:

**§ 17.49 Recording of antenna structure light inspections in the owner record.**

The owner of each antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part must maintain a record of any observed or otherwise known extinguishment or improper functioning of a structure light and include the following information for each such event:

\* \* \* \* \*

(c) Date and time of FAA notification, if applicable.

(d) The date, time and nature of adjustments, repairs, or replacements made.

21. Section 17.50 is revised to read as follows:

**§ 17.50 Cleaning and repainting.**

Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.

22. Section 17.51 is amended by revising paragraph (b) to read as follows:

**§ 17.51 Time when lights should be exhibited.**

\* \* \* \* \*

(b) All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified.

23. Section 17.57 is revised to read as follows:

**§ 17.57 Report of radio transmitting antenna construction, alteration, and/or removal.**

The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.

IV.

**PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES**

24. The authority citation for Part 21 continues to read as follows:

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

25. Section 21.11 is amended by adding a new paragraph (g) to read as follows:

**§ 21.11 Miscellaneous forms shared by all domestic public radio services.**

\* \* \* \* \*

(g) *Antenna Structure Registration.* FCC Form 854 (Application for Antenna Structure Registration) accompanied by a final Federal Aviation Administration (FAA) determination of “no hazard” must be filed by the antenna structure owner to receive an antenna structure registration number. Criteria used to determine whether FAA notification and registration is required for a particular antenna structure are contained in Part 17 of this chapter.

26. Section 21.15 is amended by revising paragraph (d), redesignating paragraphs (e), (f), and (g) as (f), (g), and (h), respectively, and adding a new paragraph (e), to read as follows:

**§ 21.15 Technical content of applications.**

\* \* \* \* \*

(d) *FAA notification.* Before the construction of a new antenna structure or alteration in the height of an existing structure (including a receive-only or passive repeater) is authorized by the FCC, a Federal Aviation Administration (FAA) determination of “no hazard” may be required. To apply for this

determination, antenna structure owners must notify the FAA of the planned construction. Criteria used to determine whether FAA notification is required for a particular antenna structure are contained in part 17 of this chapter. Applications proposing construction of a new antenna structure or alteration of the overall height of an existing antenna structure, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the reason is obvious (e.g. structure height is less than 6.1 meters AGL) must state why FAA notification is *not* required. See also § 21.111 if the structure is used by more than one station.

(e) *Antenna Structure Registration Number.* Applications proposing construction of a new antenna structure or alteration of the overall height of an existing antenna structure, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number for the affected structure. If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with Part 17 of this chapter of this structure for the antenna structure in question. \* \* \* \* \*

27. Section 21.41 is amended by revising paragraph (c)(3) to read as follows:

**§ 21.41 Special processing of applications for minor facility modifications.**

\* \* \* \* \*

(c) \* \* \*

(3) Changes in the geographical coordinates of a transmit station, receive station or passive facility by ten seconds or less of latitude, longitude or both, provided that when notice to the FAA of proposed construction is required by part 17 of this chapter for the antenna structure at the previously authorized coordinates (or will be required at the new location) the applicant must comply with the provisions of § 21.15(e). \* \* \* \* \*

28. Section 21.42 is amended by revising paragraph (c)(6) to read as follows:

**§ 21.42 Certain modifications not requiring prior authorization.**

\* \* \* \* \*

(c) \* \* \*

(6) Decreases in the overall height of an antenna structure, provided that, when notice to the FAA of proposed construction was required by part 17 of this chapter for the antenna structure at the previously authorized height, the applicant must comply with the provisions of § 21.15 (d) and (e).

\* \* \* \* \*

29. Section 21.111 is revised to read as follows:

**§ 21.111 Use of common antenna structure.**

The simultaneous use of a common antenna structure by more than one station authorized under this part, or by one or more stations of any other service may be authorized. The owner, however, of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall install and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

30. Section 21.112 is revised to read as follows:

**§ 21.112 Marking of antenna structures.**

No owner, conditional licensee, or licensee of an antenna structure for which obstruction marking or lighting is required and for which an antenna structure registration number has been obtained, shall discontinue the required painting or lighting without having obtained prior written authorization therefor from the Commission. (For complete regulations relative to antenna marking requirements, see part 17 of this chapter.)

31. Section 21.117 is amended by revising paragraph (b) to read as follows:

**§ 21.117 Transmitter location.**

\* \* \* \* \*

(b) The owner of the antenna structure should locate and construct such structure as to avoid making them hazardous to air navigation. (See part 17 of this chapter for provisions relating to antenna structures.) Such installation shall be maintained in good structural condition together with any required painting or lighting.

V.

**PART 22—PUBLIC MOBILE SERVICES**

32. The authority citation for Part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 303, unless otherwise noted.

33. Section 22.115 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

**§ 22.115 Content of applications.**

\* \* \* \* \*

(a) \* \* \*

(2) *Antenna structure registration.*

Applications proposing the use of one or more new or existing antenna structures must contain the FCC Antenna Structure Registration Number, if assigned, of each such antenna structure for which Federal Aviation Administration (FAA) notification is or was required by part 17 of this chapter prior to its construction. If, at the time an application is filed, an FCC Antenna Structure Registration Number has not been assigned for any such antenna structure, the applicant must indicate in the application whether or not, as of the date the application is filed, the antenna structure owner has registered the antenna structure with the FCC in accordance with part 17 of this chapter.

(3) *FAA notification.* Before constructing a new antenna structure or increasing the height of an existing structure, an antenna structure owner may be required to obtain an FAA determination of No Hazard to Air Navigation. To obtain this determination, the FAA must be notified of the planned construction or alteration. Criteria used to determine whether FAA notification is required for any particular antenna structure are contained in part 17 of this chapter.

(i) Applications proposing to use a new antenna structure or an existing antenna structure for which the height is increased must indicate whether FAA notification is required by part 17 of this chapter.

(ii) If FAA notification is required by part 17 of this chapter, a copy of the FAA determination should be included in the application. However, if the FAA determination is not available at the time the application is filed, the application must include the following information in regard to the FAA notification: the name of the person that submitted the notification, the date the notification was submitted, and the location of the FAA office to which the notification was submitted.

(iii) If FAA notification is not required by part 17 of this chapter, the application must indicate such and, unless the reason therefor is obvious (e.g. antenna structure height is less than 6.10 meters above ground level), must contain a statement explaining why FAA notification is not required.

\* \* \* \* \*

34. Section 22.365 is revised to read as follows:

**§ 22.365 Antenna structures; air navigation safety.**

Licensees that own their antenna structures must not allow these antenna structures to become a hazard to air navigation. In general, antenna structure owners are responsible for registering antenna structures with the FCC if required by part 17 of this chapter, and for installing and maintaining any required marking and lighting. However, in the event of default of this responsibility by an antenna structure owner, each FCC permittee or licensee authorized to use an affected antenna structure will be held responsible by the FCC for ensuring that the antenna structure continues to meet the requirements of part 17 of this chapter. See § 17.6 of this chapter.

(a) *Marking and lighting.* Antenna structures must be marked, lighted and maintained in accordance with Part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration.

(b) *Maintenance contracts.* Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) may enter into contracts with other entities to monitor and carry out necessary maintenance of antenna structures. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) that make such contractual arrangements continue to be responsible for the maintenance of antenna structures in regard to air navigation safety.

VI.

**PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES**

35. The authority citation for Part 23 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301.

36. Section 23.28 is amended by adding a new paragraph (c) to read as follows:

**§ 23.28 Special temporary authorization.**

\* \* \* \* \*

(c) Each application proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration

Number(s) for the affected structure(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the structure is 6.10-meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

37. Section 23.39 is revised to read as follows:

**§ 23.39 Antenna structures.**

(a) *FAA notification.* Before the construction of new antenna structures or alteration in the height of existing antenna structures is authorized by the FCC, a Federal Aviation Administration (FAA) determination of "no hazard" may be required. To apply for this determination, the FAA must be notified of the planned construction. Criteria used to determine whether FAA notification is required for a particular antenna structure are contained in part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the reason is obvious (e.g. structure height is less than 6.10 meters AGL) must contain a statement explaining why FAA notification is not required.

(b) *Painting and lighting.* The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

(c) *Antenna Structure Registration Number.* Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing

structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected structure(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter for the antenna structure in question.

38. Section 23.40 is removed and reserved.

VII.

**PART 24—PERSONAL COMMUNICATIONS SERVICES**

39. The authority citation for Part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309, and 332, unless otherwise noted.

40. A new § 24.55 is added to read as follows:

**§ 24.55 Antenna structures; air navigation safety.**

Licenses that own their antenna structures must not allow these antenna structures to become a hazard to air navigation. In general, antenna structure owners are responsible for registering antenna structures with the FCC if required by part 17 of this chapter, and for installing and maintaining any required marking and lighting. However, in the event of default of this responsibility by an antenna structure owner, each FCC permittee or licensee authorized to use an affected antenna structure will be held responsible by the FCC for ensuring that the antenna structure continues to meet the requirements of part 17 of this chapter. See § 17.6 of this chapter.

(a) *Marking and lighting.* Antenna structures must be marked, lighted and maintained in accordance with part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration.

(b) *Maintenance contracts.* Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) may enter into contracts with other entities to monitor and carry out necessary maintenance of antenna structures. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) that make such contractual arrangements continue to be responsible for the maintenance of antenna structures in regard to air navigation safety.

41. Section 24.416 is removed.

42. Section 24.816 is removed.

VIII.

**PART 25—SATELLITE COMMUNICATIONS**

43. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 Stat. 419–427; 47 U.S.C. 701–744; 47 U.S.C. 554.

44. Section 25.113 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (f), and adding new paragraphs (d) and (e) to read as follows:

**§ 25.113 Construction permits.**

\* \* \* \* \*

(c) *FAA notification.* Before the construction of new antenna structures or alteration in the height of existing antenna structures is authorized by the FCC, a Federal Aviation Administration (FAA) determination of "no hazard" may be required. To apply for this determination, the FAA must be notified of the planned construction. Criteria used to determine whether FAA notification is required for a particular antenna structure are contained in part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the reason is obvious (e.g. structure height is less than 6.10 meters AGL) must contain a statement explaining why FAA notification is not required.

(d) *Painting and lighting.* The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

(e) *Antenna Structure Registration Number.* Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must

include the FCC Antenna Structure Registration Number(s) for the affected structure(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter for the antenna structure in question.

\* \* \* \* \*

45. Section 25.119 is amended by adding a new paragraph (c) to read as follows:

**§ 25.119 Application for special temporary authorization.**

\* \* \* \* \*

(c) Each application proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antenna structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth station antenna(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

46. Section 25.130 is amended by adding a new paragraph (e) to read as follows:

**§ 25.130 Filing requirements for transmitting earth stations.**

\* \* \* \* \*

(e) Each application proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth

station antenna(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or notification or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

47. Section 25.300 is amended by adding paragraph (h) to read as follows:

**§ 25.300 Developmental operation.**

\* \* \* \* \*

(h) Each application for developmental operation proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth station antenna(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or notification or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

\* \* \* \* \*

**IX.**

**PART 73—RADIO BROADCAST SERVICES**

48. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334.

49. Section 73.1213 is revised to read as follows:

**§ 73.1213 Antenna structure, marking and lighting.**

(a) The provisions of part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures), requires certain antenna structures to be painted and/or lighted in accordance with part 17.

(b) The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

50. Section 73.1690 is amended by revising paragraph (b)(1) to read as follows:

**§ 73.1690 Modification of transmission systems.**

\* \* \* \* \*

(b) \* \* \*

(1) Any change in the location, or directional radiation characteristics of a directional antenna system. (See § 73.45 and § 73.150, AM; § 73.316, FM; or § 73.685, TV.)

\* \* \* \* \*

51. Section 73.3533 is amended by adding a new paragraph (c) to read as follows:

**§ 73.3533 Application for construction permit or modification of construction permit.**

\* \* \* \* \*

(c) In each application referred to in paragraph (a) of this section, the applicant will provide the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not already have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance of the antenna structure is not necessary.

X.

**PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES**

52. The authority citation for Part 74 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 554.

53. Section 74.22 is revised to read as follows:

**§ 74.22 Use of common antenna structure.**

The simultaneous use of a common antenna structure by more than one station authorized under this part, or by one or more stations of any other service may be authorized. The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

54. Section 74.551 is amended by adding a new paragraph (c) to read as follows:

**§ 74.551 Equipment changes.**

\* \* \* \* \*

(c) Any application proposing a change in the height of the antenna structure or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not necessary.

55. Section 74.651 is amended by adding a new paragraph (d) to read as follows:

**§ 74.651 Equipment changes.**

\* \* \* \* \*

(d) Any application proposing a change in the height of the antenna or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not necessary.

56. Section 74.1251 is amended by adding a new paragraph (d) to read as follows:

**§ 74.1251 Technical and equipment modifications.**

\* \* \* \* \*

(d) Any application proposing a change in the height of the antenna structure or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it proposes to locate its antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not required.

XII.

**PART 78—CABLE TELEVISION RELAY SERVICE**

57. The authority citation for Part 78 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

58. Section 78.63 is revised to read as follows:

**§ 78.63 Antenna structure marking and lighting.**

The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with part 17 of this chapter. In the event of default by the owner, each licensee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

59. Section 78.109 is amended by removing paragraph (a)(3), redesignating paragraphs (a)(4), (a)(5), (a)(6), (a)(7), and (a)(8) as (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7) respectively, and adding a new paragraph (c) to read as follows:

**§ 78.109 Equipment changes.**

\* \* \* \* \*

(c) Any application proposing a change in the height of the antenna structure or its location shall include the Antenna Structure Registration Number (FCC Form 854R) of the structure upon which it proposes to locate its antenna. In the event the antenna structure does not have a Registration Number, the owner of the antenna structure shall file an FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation as to why registration and clearance are not required.

XII.

**PART 80—STATIONS IN THE MARITIME SERVICES**

60. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

61. Section 80.110 is revised to read as follows:

**§ 80.110 Inspection and maintenance of antenna structure markings and associated control equipment.**

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

XIII.

**PART 87—AVIATION SERVICES**

62. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

63. Section 87.75 is revised to read as follows:

**§ 87.75 Maintenance of antenna structure marking and control equipment.**

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

XIV.

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

64. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

65. Section 90.441 is revised to read as follows:

**§ 90.441 Inspection and maintenance of antenna structure marking and associated control equipment.**

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

66. Section 90.443 is amended by removing paragraph (c) and redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

XV.

**PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE**

67. The authority citation for Part 94 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303 and 332, unless otherwise noted.

68. Section 94.111 is amended by revising the section heading and introductory paragraph to read as follows:

**§ 94.111 Inspection and maintenance of antenna structure marking and associated control equipment.**

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

69. Section 94.113 is removed.

XVI.

**PART 95—PERSONAL RADIO SERVICES**

70. The authority citation for Part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C 154, 303, unless otherwise noted.

71. Section 95.83 is amended by adding a new paragraph (a)(3) to read as follows:

**§ 95.83 Additional information for stations with antennas higher than normally allowed.**

(a) \* \* \*  
 (3) Register the structure by submitting FCC Form 854. The requirements for antenna structure registration, painting, and lighting are found in part 17 of this chapter.

\* \* \* \* \*

XVII.

**PART 97—AMATEUR RADIO SERVICE**

72. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 201–609, unless otherwise noted.

73. Section 97.15 is amended by revising paragraph (d) to read as follows:

**§ 97.15 Station antenna structures.**

\* \* \* \* \*

(d) Further details as to whether an aeronautical study is required or if the structure must be registered, painted, or lighted are contained in part 17 of this chapter, Construction, Marking, and Lighting of Antenna Structures. To request approval to place an antenna structure higher than the limits specified in paragraphs (a), (b), and (c) of this section, the licensee must notify the FAA using FAA Form 7460–1 and the structure owner must register the structure using FCC Form 854.

\* \* \* \* \*

[FR Doc. 96–1975 Filed 2–5–96; 8:45 am]

BILLING CODE 6712–01–P

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 531**

[Docket No. 95–51; Notice 2]

**Passenger Automobile Average Fuel Economy Standards; Final Decision**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule; granting an exemption from average fuel economy standard and establishing an alternative standard.

**SUMMARY:** This decision is issued in response to a petition filed by Rolls-

Royce Motors, Ltd. (Rolls-Royce) requesting that it be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for its model year (MY) 1997 passenger automobiles, and that lower alternative standards be established for it. This decision exempts Rolls-Royce and establishes an alternative standard of 15.1 mpg for MY 1997 for Rolls-Royce.

**DATES:** *Effective date:* March 22, 1996. This exemption and the alternative standards apply to Rolls-Royce for MY 1997.

*Petitions for reconsideration:* Petitions for reconsideration must be received no later than March 22, 1996.

**ADDRESSES:** Petitions for reconsideration of this rule should refer to the docket number and notice number cited in the heading of this notice and must be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Ms. Henrietta Spinner, Office of Market Incentives, NHTSA, 400 Seventh Street, SW, Washington DC 20590. Ms. Spinner's telephone number is: (202) 366–0846.

**SUPPLEMENTARY INFORMATION:**

**Background**

NHTSA is exempting Rolls-Royce from the generally applicable average fuel economy standard for 1997 model year (MY) passenger automobiles and establishing alternative standards applicable to Rolls-Royce for each of these model years. This exemption is issued under the authority of section 32902(d) of Chapter 329 of Title 49 of the United States Code (formerly section 502(c) of the Motor Vehicle Information and Cost Savings Act)(49 U.S.C. 32902(d)). Section 32902(d) provides that NHTSA may exempt a low volume manufacturer of passenger automobiles from the generally applicable average fuel economy standards for passenger automobiles if the agency concludes that those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and establishes an alternative standard for that manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one that manufactured (worldwide) fewer than 10,000 passenger automobiles in the second model year before the model year for which the exemption is sought (the affected model year) and that will manufacture fewer than 10,000 passenger automobiles in the affected model year. In determining maximum