

NON-SUBSTANTIVE CHANGE REQUEST JUSTIFICATION

OMB CONTROL NUMBER 3060-0405

Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station, FCC Form 349

The Commission submits this non-substantive change request to the Office of Management and Budget (OMB) for approval of a minor non-substantive change to the OMB pre-approved¹ modifications to Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station, FCC Form 349 (Form 349) and 47 CFR Section 74.1201(g) (Section 74.1201(g)). On October 21, 2015, the Commission adopted a First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, in *Revitalization of the AM Radio Service*, MB Docket No. 13-249, FCC 15-142 (*AM Revitalization FNPRM*). The Commission received OMB pre-approval on March 21, 2016, for the corresponding modifications to FCC Form 349 and Section 74.1201(g).² On February 23, 2017, consistent with actions proposed by the Commission in the *AM Revitalization FNPRM*, the Commission adopted a Second Report and Order, in *Revitalization of the AM Radio Service*, MB Dkt. No. 13-249, FCC 17-14 (*AM Revitalization Second R&O*).

In the *AM Revitalization Second R&O*, the Commission adopted as proposed the OMB pre-approved rule (and Form) changes to this information collection with the exception of a line deletion which removed the 40-mile restriction clause in order to simplify compliance for the applicant. **The respondents, responses, burden hours, and costs under OMB Control No. 3060-0405 are not impacted by this minor non-substantive change to Form 349 and Section 74.1201(g).** The minor non-substantive change is highlighted below:

Change #1: – FCC Form 349, General Instructions, Section II – Legal Information, Item 3, Compliance with 47 CFR Section 74.1232(d), paragraph 7. The pre-approved modified instructions will state that for an applicant (non-substantive change to be deleted is in bold):

In the AM service, the FM translator's entire 1 mV/m coverage contour must be contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site, **but the FM translator's coverage contour must not extend beyond a 40-mile radius centered at the AM station's transmitter site.**

Change #2: – FCC Form 349, Instructions, Section III-A –Engineering, Item 11, Fill-in Translator/Booster [S]ervice [A]rea, paragraph 3. The pre-approved modified instructions will state that for an applicant (non-substantive change to be deleted is in bold):

In the AM service, the FM translator's entire 1 mV/m coverage contour must be contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site, **but the FM translator's**

¹ OMB NOA March 21, 2016, ICR Reference Number 201601-3060-011.

² *Id.*

coverage contour must not extend beyond a 40-mile radius centered at the AM station's transmitter site.

Change #3: - FCC Form 349, Section II – Legal, Question 3.b. The pre-approved modified certification will require that (non-substantive change to be deleted is in bold):

Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site, **but the FM translator's coverage contour must not extend beyond a 40-mile radius centered at the AM station's transmitter site.**

Change #4: - FCC Form 349, Section III-A – Engineering, Question 11.a. The pre-approved modified certification will require that (non-substantive change to be deleted is in bold):

FM Fill-in Translators. Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site, **but the FM translator's coverage contour must not extend beyond a 40-mile radius centered at the AM station's transmitter site.**

Change #5: 47 CFR Section 74.1201(g). The OMB pre-approved modified Section 74.1201(g) will read (non-substantive change to be deleted is in bold):

(g) ... The coverage contour of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site, **but that in no event may the FM translator's 1 mV/m coverage contour extend beyond a 40-mile (64 km) radius centered at the AM station's transmitter site.** The protected contour for an FM translator station is its predicted 1 mV/m contour.