

the Commission were to eliminate the rule, it would be expected to reduce compliance requirements for radio broadcasters, including small entities. If the rule were retained but modified to increase the contour overlap necessary to trigger the rule or increase the amount of programming permitted to be duplicated on the commonly owned stations, the compliance requirements would be reduced for radio broadcasters, as the current restriction would be made more permissive. Conversely, were the rule to be modified so as to decrease the contour overlap necessary to trigger the rule or to decrease the amount of programming permitted to be duplicated, it could increase the number of radio broadcasters subject to the rule and/or potentially increase the compliance requirements for those broadcasters in situations that are not subject to the existing rule.

28. *Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. The NPRM seeks comment on eliminating the radio duplication rule, which would relieve radio broadcasters, including small entities, from costs of compliance with the rule. The NPRM also seeks comment on modifying the rule instead of repealing it, alternatives that will minimize any burden on small entities, and on retention of the existing rule.

29. *Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rule.* None.

30. *Ordering Clauses.* Accordingly, it is ordered that, pursuant to the authority found in sections 1, 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 303(r), this *Notice of Proposed Rulemaking* is adopted.

31. It is further ordered that, pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on

the Notice of Proposed Rulemaking in MB Docket Nos. 19–310 and 17–105 on or before thirty (30) days after publication in the **Federal Register** and reply comments on or before forty five (45) days after publication in the **Federal Register**.

32. It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects in 47 CFR Part 73

Television; Radio.

Federal Communications Commission.

**Cecilia Sigmund,**

*Federal Register Liaison Officer.*

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The Authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

#### § 73.3556 [Removed and Reserved]

■ 2. Remove and reserve § 73.3556.

[FR Doc. 2019–27645 Filed 12–20–19; 8:45 am]

BILLING CODE 6712–01–P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 73 and 74

[MB Docket No. 03–185; DA 19–1231]

#### Low Power Television Digital Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Media Bureau seeks to update the record in MB Docket No. 03–185 on the operation of analog radio services by digital low power television stations (LPTV) as ancillary or supplementary services.

#### DATES:

*Comments Due:* January 22, 2020.

*Reply Comments Due:* February 6, 2020.

**ADDRESSES:** You may submit comments, identified by MB Docket No. 03–185, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by

accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

#### Availability of Documents.

Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

*People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the FCC's Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Shaun Maher, [Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov) of the Media Bureau, Video Division, (202) 418–2324.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Media Bureau's Notice

of Proposed Rulemaking, DA 19–1231, released December 4, 2019. The full text is available for inspection and copying during regular business hours in the FCC Reference Center, 445 12th Street SW, Room CY–A257, Portals II, Washington, DC 20554, and may also be purchased from the Commission’s copy contractor, BCPI, Inc., Portals II, 445 12th Street SW, Room CY–B402, Washington, DC 20554. Customers may contact BCPI, Inc. via their website, <http://www.bcpi.com>, or call 1–800–378–3160. This document is available in alternative formats (computer diskette, large print, audio record, and Braille). Persons with disabilities who need documents in these formats may contact the FCC by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202–418–0530 or TTY: 202–418–0432.

### Synopsis

1. In this document, the Media Bureau (Bureau) seeks to update the record in MB Docket No. 03–185 on the operation of analog radio services by digital low power television stations (LPTV) as ancillary or supplementary services under § 74.790(i) of the Commission’s rules. Due to the impending deadline for elimination of the analog LPTV service, and recent developments in the record, the Bureau seek to refresh the record in this proceeding.

2. Historically, some analog LPTV stations licensed on channel 6 have operated with very limited visual programming and an audio signal that is programmed like a radio station. FM radio listeners are able to receive the audio portion of these LPTV stations at 87.76 MHz, which is adjacent to noncommercial educational (NCE) FM channel 201 (88.1 MHz). When these LPTV stations convert to digital, however, they will be unable to continue providing such radio service because the digital audio portion of their signal can no longer be received by standard FM receivers.

3. As part of the transition from analog to digital operations, the Commission sought comment in a 2014 Notice of Proposed Rulemaking in MB Docket No. 03–185, 29 FCC Rcd 12536 (2014) (NPRM) on whether to allow LPTV stations on digital television channel 6 to continue to operate these analog FM radio-type services on an ancillary or supplementary basis. Specifically, the Commission sought comment on whether to permit LPTV stations on digital television channel 6 to operate dual digital and analog transmission systems. The Commission sought to determine whether a digital LPTV station can provide an analog FM radio-type service as an ancillary or

supplementary service consistent with the Communications Act of 1934, as amended, and the rules. The Commission also sought comment on the potential for a digital LPTV station’s analog FM radio-type service to interfere with or disrupt the LPTV station’s digital TV service and/or interfere with primary licensees. Finally, the Commission asked whether such operations should be subject to the Part 73 rules applicable to FM radio stations and whether the analog FM radio-type service should be subject to the five percent fee imposed on revenues generated by ancillary or supplementary services. In a 2015 Report and Order, the Commission declined to decide this issue, and instead noted that it would make a determination at a later date.

4. Given the upcoming deadline for LPTV to transition to digital, the Bureau finds it appropriate to refresh the record in this docket. Several parties have also recently raised some additional issues on which the Bureau seeks comment. For example, Venture Technologies Group, Inc., et al. (Channel 6 Commenters) maintains that LPTV licensees should be allowed to make “the most efficient use of spectrum” by providing analog FM radio-type service on an ancillary or supplementary basis. Preserve Community Programming Coalition (PCPC) agrees and recommends that the Commission modify its rules to allow those LPTV stations currently licensed and operating in analog on channel 6 to continue transmitting an analog audio carrier when they transition to digital operations on channel 6. Both commenters claim that the provision of independent aural and visual carriers are allowed under the rules and we seek comment on whether that is an accurate reading of the Commission’s technical rules.

5. In addition, Channel 6 Commenters and PCPC maintain that digital LPTV stations can operate with supplementary audio signals pursuant to the existing ancillary or supplementary services rules. The Bureau seeks comment on these matters. Specifically, the Bureau seeks comment on whether analog channel 6 LPTV stations currently operating an analog FM-radio type service should be permitted to continue to provide such service on an ancillary or supplementary basis after they transition to digital. Further, the Bureau seeks comment on whether, and how, the Commission could legally limit the number of stations eligible to offer such a service. Should the Commission determine to limit eligibility, the Bureau seeks comment on the basis for such a limitation. Should eligibility be limited

to only those analog channel 6 LPTV stations “currently operating” an analog FM radio-type service? How should the Commission define the term “currently operating?” Should “currently operating” be defined as an analog channel 6 LPTV station providing an analog FM radio-type service as of the release date of this Public Notice? The Bureau seeks comment on this proposal, other cut-off dates, or alternate ways to limit eligibility.

6. Channel 6 Commenters and PCPC also maintain that analog radio signals “can co-exist on the same 6 MHz channel as a digital [c]hannel 6 LPTV station without harming TV or FM reception.” Channel 6 Commenters argues that “no verifiable evidence has ever been produced showing that a channel 6 television station, operating within the lawful parameters of its license, causes harmful interference to an FM radio station.” PCPC recommends revising the rules so that, “if the operation of the LPTV station causes any actual interference to the transmission of any authorized FM broadcast station, the LPTV station should be required to eliminate the interference or immediately suspend operations.” California State University Long Beach Research Foundation (Cal State) disagrees and maintains that the Commission’s current rules ignore the potential for interference between LPTV channel 6 analog audio operations and FM radio stations which Cal State describes as “particularly objectionable since LPTV are left free to propose facilities that are predicted to cause interference to primary service FM radio stations, even though LPTV is a secondary service.” Cal State asks that the Commission obtain “much more detailed information” on this issue and adopt rules to protect other stations from interference. The Bureau seeks comment on the question of whether analog FM-radio type services operated by digital LPTV channel 6 stations will cause impermissible interference to other services. The Bureau requests the submission of any more recent technical studies demonstrating the feasibility of transmitting analog audio signals within a digital television station’s spectrum.

7. The Commission rules require FM stations proposing operations on FM reserved band channels 201 through 220 to protect television stations operating on TV channel 6. Commenters should note that the Commission in July 2019 adopted a Notice of Proposed Rulemaking, 34 FCC Rcd 6537 (2019) proposing elimination of these protections entirely as of July 13, 2021 (the deadline for the digital LPTV transition) and adoption of a waiver

process in the interim. The Commission acknowledged those analog LPTV channel 6 television stations providing FM radio type services and specifically sought comment on whether the proposed elimination of channel 6 television protection by FM radio stations would be compatible with LPTV audio operations on 87.7 MHz if such operations were allowed to continue.

8. Finally, given the passage of time since the NPRM was adopted, the Bureau seeks comment on the remaining issues raised in the NPRM. For example, as required by Section 336(b)(1) of the Act, is use of digital LPTV channel 6 for an analog service “consistent with the technology or method designated by the Commission for the provision of advanced television services”? The Bureau seeks comment on how an ancillary or supplementary analog service is “consistent with” digital technology. If the Commission decides to permit analog FM radio-type operations by digital LPTV stations on an ancillary or supplementary basis, the Bureau seeks comment on whether such operations should be subject to the Part 73 rules applicable to FM radio stations. Should channel 6 digital LPTV stations authorized to provide analog FM radio-type operations be prohibited from transferring such authorization and should the right to continue the analog operation terminate with an assignment or transfer?

9. In addition, the Bureau seeks further comment on whether the provision of an analog FM radio-type service on an ancillary or supplementary basis should be subject to a five percent fee on revenues generated by such service. Channel 6 Commenters maintains that “a supplementary 87.7 MHz audio signal qualifies as an ancillary service, which entitles the government to 5% of its revenue.”

#### Initial Regulatory Flexibility Act Analysis

The NPRM included an Initial Regulatory Flexibility Analysis (IRFA) pursuant to 5 U.S.C. 603, exploring the potential impact on small entities of the Commission’s proposals. The Bureau invites parties to file comments on the IRFA in light of this request to refresh the record. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments indicated on the first page of this document.

#### List of Subjects in 47 CFR Parts 73 and 74

Television, Low Power Television.

Federal Communications Commission.

**Barbara Kreisman,**

*Chief, Video Division.*

[FR Doc. 2019–27614 Filed 12–20–19; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Parts 172 and 173

**[Docket No. PHMSA–2018–0025 (HM–264); Notice No. 2019–14]**

**RIN 2137–AF40**

#### Hazardous Materials: Liquefied Natural Gas by Rail; Extension of Comment Period

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Proposed rule; Extension of comment period.

**SUMMARY:** On October 24, 2019, PHMSA published a notice of proposed rulemaking (NPRM), entitled “Hazardous Materials: Liquefied Natural Gas by Rail (HM–264)” proposing changes to the Hazardous Materials Regulations to allow for the bulk transport of Methane, refrigerated liquid, commonly known as liquefied natural gas (LNG), in rail tank cars. In response to a request for an extension of the comment period from the Offices of the Attorneys General of New York and Maryland, PHMSA is extending the comment period for the HM–264 NPRM for an additional 21 days. Comments to the HM–264 NPRM will now be due January 13, 2020.

**DATES:** Comments should be received on or before January 13, 2020. To the extent possible, PHMSA will consider late-filed comments.

**ADDRESSES:** Comments should reference Docket No. PHMSA–2018–0025 and may be submitted in the following ways:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 1–202–493–2251.

- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* To the Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the agency name and Docket Number (PHMSA–2018–0025) for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

**Docket:** For access to the dockets to read associated documents or comments received, go to <http://www.regulations.gov> or DOT’s Docket Operations Office (see **ADDRESSES**).

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its process. DOT posts these comments, without change, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

**Confidential Business Information:** Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Michael Ciccarone, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary that PHMSA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Michael Ciccarone, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, or Mark Maday, Federal