

## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—Continued

(INFORMATIVE: Applicant proposes to provide the television signal of KCIT-TV of Kansas City, Mo., to Herington Cable TV System at Herington, Kans.)

5775-C1-P-71—Video Service Co. (KVD52), C.P. to power split frequencies 6019.3 and 6108.3 MHz on azimuth 182°50'. Location: 1.8 miles northwest of Peru, Ind., at latitude 40°46'32" N., longitude 86°05'32" W.

(INFORMATIVE: Applicant proposes to provide the television signals of stations WGN-TV and WFLD-TV to TeleCable of Kokomo, Inc., in Kokomo, Ind.)

5777-C1-P-71—Mountain Microwave Corp. (New), C.P. to construct a new station at Aurora, Colo. (latitude 39°44'28" N., longitude 104°52'22" W.) transmitting on frequency 2125.4 MHz toward Colorow, Colo., on azimuth 268°15'.

5778-C1-ML-71—Mountain Microwave Corp. (KB122), Modification of license to provide the signal of Inter-Mountain Radio Network (IMN), via audio subcarrier, to IMN affiliated stations KVOR, Colorado Springs; KCRT Trinidad; and KKAM, Pueblo; all in Colorado. Station location: Almagre Mountain, Colo.

5779-C1-ML-71—Mountain Microwave Corp. (KB124), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated stations KGIW, Alamosa, and KVRH, Salida, both in Colorado. Station location: Methodist Mountain, 5.5 miles west of Salida, Colo.

5780-C1-ML-71—Mountain Microwave Corp. (KBT68), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated station KEXO, Grand Junction, Colo. Station location: Waterdog Peak, 13 miles southeast of Montrose, Colo.

5781-C1-ML-71—Mountain Microwave Corp. (KYO71), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated Station KIUP, Durango, Colo. Station location: 4.5 miles north of Silverton, Colo.

5782-C1-ML-71—Mountain Microwave Corp. (KCM78), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated Stations KFTM, Fort Morgan and KGEL, Sterling, both in Colorado. Station location: 17 miles south-southwest of Fort Morgan, Colo.

5783-C1-ML-71—Mountain Microwave Corp. (KCM80), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated Station KSID, Sidney, Nebr. Station location: 6 miles south of Sidney, Nebr.

5784-C1-ML-71—Mountain Microwave Corp. (KCM81), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated Stations KCOW, Alliance and KNRB, Scottsbluff, both in Nebraska. Station location: Angora, 7.5 miles northeast of Bridgeport, Nebr.

5785-C1-ML-71—Mountain Microwave Corp. (KAQ88), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated Station KIMM, Rapid City, S. Dak. Station location: Mount Cooldidge, 6 miles east-southeast of Custer, S. Dak.

5786-C1-P-71—Mountain Microwave Corp. (New), C.P. to construct a new station at Laramie, Wyo. (latitude 41°19'15" N., longitude 105°33'40" W.), transmitting on frequency 2125.4 MHz toward Summit, Wyo., on azimuth 133°09'.

5787-C1-ML-71—Mountain Microwave Corp. (WAY74), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated Stations KRAL, Rawlins and KVOO, Casper, both in Wyoming. Station location: Bear Park, Wyo.

5788-C1-ML-71—Mountain Microwave Corp. (KTG48), Modification of license to provide the IMN signal, via audio subcarrier, to IMN affiliated Stations KBBS, Buffalo and KIML, Gillette, both in Wyoming. Station location: Kingsbury, Wyo.

(INFORMATIVE: Applicants, Mountain Microwave Corp. Mountain and Wyoming Microwave Corp. (Wyoming), propose to provide audio subcarrier service to radio stations in Colorado, Nebraska, South Dakota, and Wyoming. Mountain proposes to pick up the signal of the Inter-Mountain Radio Network (IMN) at the IMN office in Aurora, Colo., and transmit same to IMN affiliated radio stations in Colorado, Nebraska, and South Dakota. Wyoming will deliver the IMN signal to IMN affiliated station KOWB, Laramie, Wyo. KOWB will mix the IMN signal with regional programming. Wyoming will then pick up the composite signal at KOWB and transmit same to IMN affiliated stations in Wyoming. See also section Major Amendment, This Public Notice, File Nos. 718 and 737 through 739-C1-P-71 and 4291-C1-P-71.)

## Major Amendment

1940-C1-P-71—Minnesota Microwave, Inc. (New), Application amended to change frequency from 6352.9 MHz to 6223.3 MHz toward Ada, Minn., on azimuth 356°38'. Station location: Downer, Minn.

1942-C1-P-71—Minnesota Microwave, Inc. (New), Application amended to change frequency from 6293.6 MHz to 6219.5 MHz toward East Grand Forks and Thief River Falls, Minn., on azimuths of 303°41' and 35°41' respectively. Station location: 0.2 mile southeast of Crookston, Minn. Other particulars are unchanged. See Public Notice dated Oct. 12, 1970.

718-C1-P-71—Wyoming Microwave Corp. (WAY73), Application amended to provide the signal of the Inter-Mountain Radio Network (IMN), via audio subcarrier, to IMN affiliated station KOWB, Laramie, Wyo. Station location: Summit Mountain, Wyo.

737-C1-P-71—Wyoming Microwave Corp. (KPS63), Application amended to provide the signal of IMN, via audio subcarrier, to IMN affiliated Station KPOW, Powell, Wyo. Station location: Cedar Mountain, Wyo.

738-C1-P-71—Wyoming Microwave Corp. (KPB65), Application amended to provide the signal of IMN, via audio subcarrier, to IMN affiliated Stations KTHE, Thermopolis; KVOW, Riverton; and KWOR, Worland, all in Wyoming. Station location: Copper Mountain, Wyo.

739-C1-P-71—Wyoming Microwave Corp. (KPS25), Application amended to provide the signal of IMN, via audio subcarrier, to IMN affiliated Station KWYO, Sheridan, Wyo. Station location: Dome Mountain, 25 miles southwest of Sheridan, Wyo.

4291-C1-P-71—Mountain Microwave Corp. (KOB37), Application amended to transmit the signal of IMN, via audio subcarrier, to relay station at Soderburg, Colo., for delivery of IMN to IMN affiliated Station KCOL at Fort Collins, Colo. Station location: Colorow, Colo. See also file Nos. 5777-C1-P-71, 5778 through 5785-C1-ML-71; 5786-C1-P-71, 5787-C1-ML-71 and 5788-C1-ML-71, this Public Notice.

[FR Doc.71-6002 Filed 4-28-71; 8:51 am]

[Docket No. 16070; FCC 71-427]

## COMMUNICATIONS SATELLITE CORP.

Memorandum Opinion and Order  
Regarding Deferred Accounting  
Requirement

In the matter of Communications Satellite Corp.; charges, practices, classifications, rates, and regulations for and in connection with the leasing of voice grade and television channels common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications satellite in connection with the establishment of communications paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephone, facsimile, television, and other signals.

1. The Commission has before it a letter dated April 2, 1971, filed by the Communications Satellite Corp. (Comsat) requesting the withdrawal for the calendar year 1971 of the deferred credit accounting requirements imposed upon Comsat by our memorandum opinions and orders and authorizations (including extensions thereof) adopted in this proceeding on June 22, 1965 (38 F.C.C. 1286, 1298, 1307, 1310), as amended by our Orders of July 28, 1965 (1 F.C.C. 2d 533) and January 11, 1967 (F.C.C. 67-57). As set forth in our order of designation, the deferred credit accounting requirement has previously been withdrawn, for the period through December 31, 1970, by our orders of March 2, 1967 (7 F.C.C. 2d 895), February 14, 1968 (11 F.C.C. 2d 737), April 18, 1969 (17 F.C.C. 2d 277), July 2, 1969 (18 F.C.C. 2d 492), and April 10, 1970 (22 F.C.C. 2d 795). In each of these withdrawals of the deferred credit accounting requirement, the withdrawal was limited to the purpose of permitting regularization by Comsat of its accounting and the publishing of financial statements for the periods covered in each case.

2. In our earlier withdrawals of the deferred credit accounting requirement we have, each time, had before us information indicating that Comsat's earnings for the periods involved were not likely to produce what could be considered an excessive rate of return. Financial information concerning calendar year 1971 does not support a like indication for that year. The Commission reacted to the change in Comsat earnings prospects when on February 10, 1971, it adopted a memorandum opinion and order (FCC 71-155) denying a motion by Comsat to terminate proceedings in the proceeding herein and setting the matter for hearing. As indicated below, we do not believe the change in Comsat's earnings situation is any bar to our granting continued accounting relief. Furthermore, the review of the status of deferred credit accounting occasioned by the change in Comsat's earnings picture convinces us that we can withdraw the accounting requirement permanently rather than merely for calendar year 1971.

3. A copy of Comsat's letter of April 2, 1971, was served on all parties of record in this proceeding. An objection was filed

[FCC 71-428]

**LICENSEE RESPONSIBILITY TO REVIEW RECORDS BEFORE BROADCAST**

**Memorandum Opinion and Order;  
Definitive Statement**

April 12 by Western Union International, Inc. (WUI) and a reply by Comsat on April 13. WUI believes that an immediate grant of Comsat's request would be prejudicial to WUI's interests and would place Comsat in an unduly favorable stance to delay rate reductions believed by WUI to be warranted.

4. It is our view that the Commission may lift the deferred accounting requirement without prejudicing in any way the exercise by the Commission of any of its powers with respect to the treatment of the substantive questions involved in this proceeding or the ultimate disposition of this proceeding.

5. Accordingly, we shall withdraw the deferred credit accounting requirement insofar as it is a bar to normal accounting procedures and without prejudice to any Commission action regarding all substantive matters in this proceeding, including the ordering of the disposition, in any manner, of any excess earnings, if found.

*It is ordered,* That the deferred credit accounting requirement imposed on Comsat by our several orders and authorizations is hereby withdrawn insofar as it is a bar to normal accounting procedures and the publishing of conventional financial statements.

*It is further ordered,* That WUI's petition for deferral of Comsat's request for relief is hereby denied.

Adopted: April 16, 1971.

Released: April 19, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.71-6008 Filed 4-28-71;8:51 am]

[Dockets Nos. 18989, 18990]

**HORNE INDUSTRIES, INC., AND  
TELLUM BROADCASTING COM-  
PANY OF SEARCY, INC.**

**Memorandum Opinion and Order  
Enlarging Issues; Correction**

In regard application of Horne Industries, Inc., Searcy, Ark., Docket No. 18989, File No. BPH-6810; and Tellum Broadcasting Company of Searcy, Inc., Searcy, Ark., Docket No. 18990, File No. BPH-6953; for construction permits.

In paragraph 3, second sentence, Review Board Memorandum Opinion and Order 71R-120, released April 16, 1971, 36 F.R. 7545, delete the phrase "one of its principals".

Adopted: April 22, 1971.

Released: April 23, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.71-6009 Filed 4-28-71;8:51 am]

<sup>1</sup> Chairman Burch absent; Commissioner Johnson concurring in the result.

1. The Commission has before it petitions for reconsideration of its Public Notice of March 5, 1971, FCC 71-205 (36 F.R. 4901), entitled "Licensee Responsibility to Review Records Before Their Broadcast," filed by the Federal Communications Bar Association; Pierson, Ball & Inc., Lee Enterprises, Inc., RKO General, Inc., and Time-Life Broadcast, Inc.; the Recording Industry Association of America (RIAA),<sup>1</sup> and Pacifica Foundation.<sup>2</sup> The latter also submitted a petition for stay. In view of this latter request and the considerations in the next paragraph, we agree that there is a need for expedited action, and therefore go directly to the merits, without summarizing the petition.

2. The Commission's public notice of March 5 stated, in most pertinent part:

Whether a particular record depicts the dangers of drug abuse, or, to the contrary, promotes such illegal drug usage is a question for the judgment of the licensee. The thrust of this notice is simply that the licensee must make that judgment and cannot properly follow a policy of playing such records without someone in a responsible position (i.e., a management level executive at the station) knowing the content of the lyrics.

The notice thus simply reflected the well-established concept of licensee responsibility. However, as the petitions point up, it was widely reported in the press as a directive by the Commission not to play certain kinds of records (e.g., "Stations Told to Halt Drug-Oriented Music", Associated Press, The Washington Evening Star, March 6, 1971; "FCC Bars Broadcasting of Drug-Linked Lyrics", United Press International, The Washington Post, March 7, 1971). Since the purpose of a public notice is to inform the industry and public of a Commission policy, it follows that where a notice is so erroneously depicted, we should appropriately call attention to the error. We do so in this memorandum opinion and order. While it adheres fully to the above noted established policy of licensee responsibility, this opinion treats the matter in greater detail and thus constitutes the Commission's definitive statement in this respect.

3. As the notice stated at the outset, the Commission has received a number of complaints concerning the broadcast of records with lyrics tending to promote or glorify the use of illegal drugs. The Commission's own experience indicated

<sup>1</sup> RIAA's motion for acceptance of pleading in excess of page limitation is granted.

<sup>2</sup> We also take note that a petition for reconsideration was filed late by the Stern Community Law Firm and also a Memorandum of the Authors League of America, Inc., in support of RIAA's petition for reconsideration. These materials were received during our determination on this memorandum opinion and order.

that there was some tendency by broadcasters to be indifferent to the matter of licensee responsibility in this area because all that is involved is the playing of a record. The Commission therefore believed it appropriate to point up that the licensee's responsibility for the material broadcast over his facilities extends to records. Clearly, in a time when there is an epidemic of illegal drug use—when thousands of young lives are being destroyed by use of drugs like heroin, methedrine ("speed"), cocaine—the licensee should not be indifferent to the question of whether his facilities are being used to promote the illegal use of harmful drugs.

4. But nothing in the prior notice stated, directly or indirectly, that a licensee is barred from presenting a particular type of record. On the contrary, the notice made clear that selection of records was a matter for the licensee's judgment. Some records point up drug dangers, some may glorify drugs, some may simply reflect the drug scene as it is today. Here, as in so many programing areas, it is often a most difficult judgment whether a record promotes drug usage. Licensees could reasonably and understandably reach differing judgments as to a particular record. We stress that such an evaluation process is one solely for the licensee. The Commission cannot properly make or review such individual licensee judgments. Indeed, at renewal time our function is solely limited to a review of whether a licensee's programing efforts, on an overall basis, have been in the public interest. Report and Statement of Policy Regarding Commission En Banc Programing Inquiry, 20 Pike & Fischer, Radio Regulation 1901 (1960): In re Pacifica Foundation, 36 F.C.C. 147, 149 (1964).

5. Any attempt to review or condemn a licensee's judgment to play a particular record is, as indicated, beyond the scope of Federal regulatory authority with perhaps the exception of the so-called "clear and present danger" test. In this connection, in Anti-Defamation League of B'Nai B'rith against Radio Station KTYM, 4 F.C.C. 2d 190, 191, 6 F.C.C. 2d 385 (1967),<sup>3</sup> the Commission stated:

It is the judgment of the Commission, as it has been the judgment of those who drafted our Constitution and of the overwhelming majority of our legislators and judges over the years, that the public interest is best served by permitting the expression of any views that do not involve "a clear and present danger of serious substantive evil that rises far above public convenience, annoyance or unrest."<sup>4</sup> *Terminiello v. Chicago*, 337 U.S. 1, 4 (1949).

<sup>3</sup> *Aff'd*, *Anti-Defamation League v. FCC*, 403 F. 2d 169 (C.A.D.C., 1968), cert. denied, 394 U.S. 930 (1969).

<sup>4</sup> Similarly, in *Brandenburg v. Ohio*, 395 U.S. 444 (1969), the Supreme Court struck down the conviction of a Ku Klux Klan leader for advocating violence at a KKK rally, stating (at p. 447):

These later [Supreme Court] decisions have fashioned the principle that the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

6. The question of formulating a definitive concrete standard is not presented in this matter. For, we hold, based on our experience and the complaints received, that whether to play a particular record in this area does not raise an issue as to which the Government may intervene. That is the reason why the Commission has not referred a single complaint concerning the playing of records with drug lyrics to licensees for their comments;<sup>5</sup> instead, we have informed the complainants of the provisions of section 326. There could be extraordinary, unforeseen circumstances where the stringent requirements of the "clear and present danger" test might be met in this field. No one can today write a constitutional blueprint for every possible future happenstance and changed circumstance. It is sufficient to hold that we do not now perceive such a problem, based upon our present experience, and that our prior Notice and this Opinion are not premised upon it.

7. The Commission did make clear in the notice that the broadcaster could jeopardize his license by failing to exercise licensee responsibility in this area. Except as to broadcasts by political candidates, the licensee is responsible for the material broadcast over his facilities. That obviously calls for a reasonable degree and exercise of responsibility. It is nonsense to assert that the licensee can be indifferent to this responsibility. If a person approaches a station to buy time to attack his neighbor, or simply to let loose a torrent of vile language, he will not be presented. While these are egregious examples of the need for licensee responsibility, the plain fact is that the licensee is not a common carrier—that the Act makes him a public trustee who is called upon to make thousands of programming judgments over his license term. The thrust of the notice is simply that this concept of licensee responsibility extends to the question of records which may promote or glorify the use of illegal

drugs.<sup>6</sup> A licensee should know whether his facilities are being used to present again and again a record which urges youth to take heroin or cocaine—that it is a wonderful, joyous experience. This example is egregious, but it serves to point up the obvious bedrock policy of the responsible public trustee. The point is that such records are not withdrawn from the area of licensee responsibility.

8. Nor are the mechanics of licensee responsibility difficult or onerous. Again, it may be desirable to proceed by analogy. Licensees instruct their employees that before presenting taped material containing questionable language (i.e., of an indecent or obscene nature), the matter should be brought to the attention of a responsible management official (see Eastern Educational Radio, 24 FCC 2d 408, 414 (1970)). We note that this is the policy of petitioner Pacifica. See *In re Pacifica Foundation*, 36 FCC 147, 150 (1964). Further, while such material might be presented once in a series part of which has been screened and approved, its presentation is then picked up, either to complaint or station personnel, and a judgment made as to further presentation. So also here, disc jockeys could be instructed that where there is a question as to whether a record promotes the illegal drug usage, a responsible management official should be notified so he can exercise his judgment. It may be that a record which raises an issue in this respect is played once, but then the station personnel who have heard it will be in a position to bring it to the attention of the appropriate management official for his judgment. Finally, we are not calling for an extensive investigation of each such record. We recognized in the ADL case, supra, that imposition of any undue verification process "could significantly inhibit the presentation of controversial issue programming" (6 FCC 2d at p. 386); cf. *The Washington Post v. Keogh*, 365 F. 2d 965 (C.A.D.C., 1966). That is equally so here. Therefore, what is required is simply reasonable and good faith attention to the problem. We would conclude this aspect as we did in the prior notice.

Thus, here as in so many other areas, it is a question of responsible, good faith action by the public trustee to whom the frequency has been licensed. No more, but certainly no less is called for.

9. We think that the foregoing is dispositive of the major arguments presented. The licensee is not a book store, but a public trustee of an inherently limited resource who is fully responsible for its operation in the public interest. We have made clear that we are not seeking through a euphemism, licensee responsibility, to effect the wholly improper result of barring certain kinds of speech. We have imposed no onerous requirements in this respect, and have further

<sup>5</sup> We thus fully agree with the FCBA position that the Commission should make clear " \* \* \* it was announcing a policy dealing solely with licensee responsibility to be familiar with what the licensee is broadcasting and that it did not intend to pass judgment on the desirability of broadcasting any song \* \* \* " (p. 8, FCBA petition).

stressed that the judgment whether to play a particular record is to be made by the licensee alone. We have noted the arguments that some licensees have dropped all records referring to drugs—in erroneous reaction to our notice. If that is the case, we trust that with the issuance of this opinion such licensees will cease such grossly inappropriate policy and rather will make a judgment based on the particular record. Finally, to the argument that suggests impropriety in our issuance of a Notice concerning the need for licensee responsibility in the area of records promoting drugs, the short answer is set forth in paragraph 3, supra—that this is an area of great concern in view of the epidemic proportions of the problem, that we had numerous complaints, and that we had some indication of licensee indifference because all that is involved is the playing of records. We have in the past issued similar notices when there was indifference to the policy of licensee responsibility in other areas. See, e.g., public notice concerning Foreign Language Programs adopted March 22, 1967, FCC 67-368, 9 R.R. 2d 1901. Of course, the policy of licensee responsibility is applicable generally, but that does not mean that we cannot issue appropriate notices when there is an indicated need therefor.

10. An argument is also advanced as to the necessity for rule making notice under the Administrative Procedure Act. But our notice establishes no new rule or indeed even a new policy. It reiterates an established bedrock policy—licensee responsibility. If this opinion were withdrawn, licensees would still be required to observe that policy based on scores of prior decisions. We therefore do not perceive how the rule making notice requirements of the APA are at all applicable here.

11. As a final point, we wish to stress that the issue of drug lyrics is but one facet of the overall drug problem, and it would be unfortunate if it were to be blown out of proportion. For, consideration of this aspect is, of course, not the be-all and end-all of what a broadcaster can do to serve the public interest in this important area. The public generally is now aware of the existence of the drug abuse problem. The alert has been sounded, and broadcasters have played an important role in informing the public. The present challenge and opportunity, for those broadcasters who wish to help, is to inform our citizens as to what can be done to find solutions to the problem of drug abuse. Indeed, because the drug problem is complex, and fraught with emotion, there is the possibility of a good deal of misinformation being circulated. Broadcasters who develop their own materials and programs relating to drug abuse could, if they wish, consult with experts in the field, both in the public and private sectors to insure the accuracy and reliability of their programming. In short, we believe that licensees can play a constructive role in helping the Nation seek solutions to the drug problem, just as many of them have done, through public service time, in alerting the Nation to the existence of the problem.

12. Accordingly, the request of Pacifica for stay is denied, in view of the above discussion. The requests of the petitioners is granted to the extent reflected above (see, e.g., footnote 6, supra; pp. 9-10, Pierson, Ball & Dowd petition), and in all other respects is denied.

Adopted: April 16, 1971.

Released: April 16, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>7</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.71-6004 Filed 4-28-71;8:51 am]

## FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., ET AL.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Dorr, Cooper & Hayes, Attorneys at Law, 260 California Street, San Francisco, CA 94111.

American Mail Line, Ltd.; American President Lines, Inc.; Pacific Far East Line, Inc.; Seatrain Lines, California; States Steamship Co.; and Waterman Corp. of California.

Agreement No. 9943, between the six American flag carriers listed above,

<sup>7</sup> Concurring statements of Commissioners Bartley, H. Rex Lee and Wells filed as part of the original document. Dissenting statement of Commissioner Johnson to be issued at a later date.

would permit the establishment of the "American Lines Operators, Pacific" (ALOPAC) with authority to "discuss and may agree on a common position and act with unanimity on (a) questions of interpretation, construction, application, or proposed modification of the terms or conditions of the applicable common carrier contract of affreightment (other than the establishment of freight rates), and/or (b) questions or problems arising out of dealings with a shipper service, and may authorize and/or undertake and consummate all actions deemed advisable to effectuate any agreement reached hereunder," with respect to cargoes transported on behalf of the Military Sealift Command and the Army, Navy, Air Force, and "other United States military services."

Dated: April 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-6019 Filed 4-28-71;8:51 am]

## MARITIME FRUIT CARRIERS CO., LTD., AND REFRIGERATED EXPRESS LINES (A/ASIA) PTY., LTD.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter Siviglia, Esq., Hall, McNicol, Maret & Hamilton, 330 Madison Avenue, New York, NY 10017.

Agreement No. 9944 would permit the Maritime Fruit Carriers Co., Ltd. and

the Refrigerated Express Lines (A/Asia) Pty., Ltd. to enter into a cooperative working arrangement in the northbound trade from Australia to the east coast of North America with authority to contribute "equal cubic capacity" yearly to a rationalized service; to establish jointly a corporation to act as general agent in Australia; and to share the profits and losses of their coordinated venture.

Dated: April 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-6020 Filed 4-28-71;8:51 am]

## NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Ronald A. Capone, Esq., Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. 5850-16 further amends the Conference's self-policing provisions to authorize the enforcement authority to initiate its own investigation of possible breaches of the agreement.

Dated: April 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-6021 Filed 4-28-71;8:51 am]