[Airspace Docket No. 74-CE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 14727 of the FEDERAL REGISTER dated April 26, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the transition area at Goodland, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 12, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on July 1, 1974.

A. L. COULTER,
Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is amended to read::

GOODLAND, KANSAS

That airspace extending upward from 700 feet above the surface within a seven-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'56" W.); and within five miles each side of the Goodland VORTAC 163° radial, extending from the seven-mile radius area to 12 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within five miles each side of the Goodland VORTAC 343° radial, extending from the VORTAC to 14 miles north of the VORTAC; within a 17-mile radius of the Goodland VORTAC 096° radial clockwise to the Goodland VORTAC 249° radial; and within four and one-half miles west and nine and one-half miles east of the Goodland VORTAC 163° radial, extending from the 17-mile radius area to 18½ miles south of the VORTAC.

[FR Doc.74-16157 Filed 7-15-74;8:45 am]

[Airspace Docket No. 74-CE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Pages 16364 and 16365 of the FEDERAL REGISTER dated May 8, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Louis, Missouri.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 12, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on July 1, 1974.

A. L. COULTER,
Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

ST. LOUIS, MISSOURI

That airspace extending upward from 700 feet above the surface within a ten-mile radius of Lambert-St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within five miles southeast and eight miles northwest of the Lambert-St. Louis International Airport Runway 24 ILS localizer northeast course, extending from the ten mile radius area to 12 miles northeast of the Runway 24 OM; within five miles southwest and nine miles northeast of the Lambert-St. Louis International Airport Runway 12R ILS localizer northwest course; extending from the Runway 12R OM to 12 miles northwest of the OM; within a seven mile radius of St. Charles Smartt Airport, St. Charles, Missouri (latitude 38°55'43" N., longitude 90°25'41" W.); within an eight mile radius of Civic Memorial Airport, Alton, Illinois (latitude 38°53'30" N., longitude 90°03'00" W.); within a 6.5 mile radius of Weiss Municipal Airport, Fenton, Missouri (latitude 38°32'15" N., longitude 90°26'50" W.); and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of St. Louis International Airport; within six miles southwest and nine miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within five miles northwest and eight miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-238 and on the south by the north boundary of V-88 within a 40-mile radius of Scott AFB (latitude 38°32'30" N., longitude 89°51'05" W.); excluding the portion overlying the State of Illinois; that airspace extending upward from 2,500 feet MSL within the area bounded on the northwest by the southeast edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line five miles west of and parallel to the St. Louis VORTAC 200° radial, on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line five miles southeast of and parallel to the Jefferson City, Missouri, VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.

[FR Doc. 74-16156 Filed 7-15-74;8:45 am]

[Airspace Docket No. 74-CE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 17563 of the FEDERAL REGISTER dated May 17, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Clinton, Missouri.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 12, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on July 1, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is added:

CLINTON, MISSOURI

That airspace extending upward from 700 feet above the surface, within five miles of the Clinton, Missouri NDB (latitude 38°-21'32" N., longitude 93°41'04" W.); and within three miles either side of the 054° bearing from the NDB extending from the five-mile radius to eight miles northeast of the MHW.

[FR Doc.74-16155 Filed 7-15-74;8:45 am]

[Airspace Docket No. 74-WA-2]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alterations to Jet Routes and VOR Federal Airways; Correction

On May 21, 1974, FEDERAL REGISTER document 74-11576 was published in the FEDERAL REGISTER (39 FR 17850) and amends Parts 71 and 75 of the Federal Aviation Regulations, effective 0901 G.m.t., July 18, 1974, by altering several Jet Routes and Airways in the Alaskan Area. FEDERAL REGISTER document 74-11576 describes J-515 as being realigned in part from Bettles, Alaska, to Barrow, Alaska. Actually, this portion of J-515 should not have been altered, and the description should have remained from Bettles, Alaska, to Browerville, Alaska, RBN. Action is taken herein to correct the description of that portion of J-515.

Since this amendment is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, since it is necessary that aeronautical charts be depicted correctly, this amendment is being made effective immediately.

In consideration of the foregoing, effective July 16, 1974, FEDERAL REGISTER document 74-11576 (39 FR 17850) is amended, as hereinafter set forth.

In No. 1. Jet Route No. 515 "Barrow, Alaska." is deleted and "Browerville, Alaska, RBN." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 9, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-16161 Filed 7-15-74;8:45 am]

[Docket No. 13613; Amdt. No. 91-123]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Improved Transponder

Correction

In FR Doc.74-14782 appearing at page 23253 of the issue for Thursday, June 27, 1974, and corrected on page 25315 of the issue for Wednesday, July 10, 1974, the first line of § 91.24(b)(1), now reading "(1) After July 1, 1975, in Group I", should read "(1) After January 1, 1975, in Group I".

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Reporting of In-Transit Losses

By notices dated November 13, 1973 and December 3, 1973 and published in the FEDERAL REGISTER on November 19, 1973 and December 7, 1973; 38 FR 31840 and 38 FR 33774, respectively, the Drug Enforcement Administration proposed that 21 CFR 1301.74 be amended by revising paragraph (c) to place the responsibility of reporting in-transit losses of controlled substances on the supplier. All interested persons were invited to submit their objections or comments regarding the proposed amendment.

In response to the notices, the Administration received one comment. The National Association of Chain Drug Stores, Inc., by letter dated December 28, 1973 favored the proposed amended regulations.

Therefore, under the authority vested in the Attorney General by section 301 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821), delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100-0.104, and to the Deputy Administrator by Directive 73-2, 38 FR 34662, December 17, 1973, it is hereby ordered that 21 CFR 1301.74 be amended by revising paragraph (c) to read as follows:

§ 1301.74 Other security controls for non-practitioners.

* * * * *

(c) The registrant shall notify the Regional Office of the Administration in his region of any theft or significant loss of any controlled substances upon discovery of such theft or loss. The supplier shall be responsible for reporting in-transit losses of controlled substances by the common or contract carrier selected pursuant to § 1301.74(e), upon discovery of such theft or loss. The registrant shall also complete DEA Form 106 regarding such theft or loss. Thefts must be reported whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them.

* * * * *

This order is effective on August 15, 1974.

Dated: July 9, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-16186 Filed 7-15-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-275]

PART 200—INTRODUCTION

Housing Production, Reorganization

The following additions are being made to this Chapter to formalize the decision to place all housing production in one division under the direct supervision of a Chief Underwriter in the Kansas City, Omaha, and St. Louis Area Offices and to Chief Underwriters in other Area Offices as the position of Chief Underwriter and Deputy Chief Underwriter is established in the Area Office and to formalize the decision to authorize the Topeka and Des Moines Insuring Office and other Insuring Offices as the Assistant Secretary-Commissioner approves to process Low-Rent Public Housing. Because these additions provide internal processing directions no cause exists for review and concurrence on the part of the public and these delegations should be made effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, Chapter II is amended as follows:

New §§ 200.127, 200.128, and 200.129 are added in the Table of Contents and text to read as follows:

Sec.
200.127 Area Office Chief Underwriter and Deputy Chief Underwriter.
200.128 Director and Deputy Director, Insuring Offices.
200.129 Chief Underwriters, Deputy Chief Underwriters, Insuring Offices.

§ 200.127 Area Office Chief Underwriter and Deputy Chief Underwriter.

To the position of Chief Underwriter, and under his general supervision to the position of Deputy Chief Underwriter, with respect to the production of housing within the jurisdiction of the Kansas City, Omaha, and St. Louis Area Offices and to Chief Underwriters in other Area Offices as the position of Chief Underwriter and Deputy Chief Underwriter is established in the Area Office, there is redelegated the authority to perform the functions and exercise the authorities set forth in §§ 200.113, 200.114, 200.115 and 200.116.

§ 200.128 Director and Deputy Director of the Insuring Offices.

To the position of Director, and under his general supervisions to the position of Deputy Director of each Insuring Office designated by the Assistant Secretary-Commissioner with respect to the production of low-rent public housing units within the jurisdiction of the Insuring Office, there is redelegated the authority to perform the functions and exercise the authorities set forth in § 200.118.

§ 200.129 Chief Underwriter and Deputy Chief Underwriter, Insuring Offices.

To the position of Chief Underwriter, and under his general supervision to the position of Deputy Chief Underwriter of each Insuring Office designated by the Assistant Secretary-Commissioner with respect to the production of low-rent public housing within the jurisdiction of the Insuring Office, there is redelegated the authority to perform the functions and exercise the authorities set forth in §§ 200.113, 200.115 and 200.116.

(Sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))

Effective date. These amendments will be effective July 16, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

[FR Doc.74-16188 Filed 7-15-74;8:45 am]

[Docket No. R-74-276]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

FLOOD INSURANCE REQUIREMENTS

The Flood Disaster Protection Act of 1973, Pub. L. 93-234, provides that no federal financial assistance for acquisition or construction purposes shall be approved in any area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, unless the building is covered by flood insurance. The Flood Disaster Protection Act of 1973 further provides that on or after July 1, 1975, no federal financial assistance shall be approved for acquisition or construction purposes for use in any area that has been identified by the Secretary as having special flood hazards unless the community in which the building is situated is participating in the National Flood Insurance Program and the building is covered by flood insurance. Therefore, the Department is amending its regulations to provide for flood insurance.

Inasmuch as this change is mandated by the Flood Disaster Protection Act of 1973, public procedure is unnecessary and good cause exists for making this change effective upon publication.

Accordingly, Part 207 is amended as hereinafter set forth: § 207.260(c) is revised to read as follows:

§ 207.260 Protection of mortgage security.

* * * * *

(c) *Insurance of property against fire and other hazards.* The mortgaged property shall be insured against fire, flood, and other hazards as provided in the mortgage and as stipulated by the Federal Housing Commissioner. The mortgagee shall obtain such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of mortgage insurance may be terminated at the election of the Commissioner.

* * * * *

(Sec. 7(d) of the Department of Housing and Urban Development; 42 U.S.C. 3535(d).)

Effective date. This amendment is effective as of July 16, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

[FR Doc.74-16189 Filed 7-15-74;8:45 am]

[Docket No. R-74-277]

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart B—Contract Rights and Obligations

FLOOD INSURANCE REQUIREMENTS

The Flood Disaster Protection Act of 1973, Pub. L. 93-234, provides that no federal financial assistance for acquisition or construction purposes shall be approved in any area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, unless the building is covered by flood insurance. The Flood Disaster Protection Act of 1973 further provides that on or after July 1, 1975, no federal financial assistance shall be approved for acquisition or construction purposes for use in any area that has been identified by the Secretary as having special flood hazards unless the community in which the building is situated is participating in the National Flood Insurance Program and the building is covered by flood insurance. Therefore, the Department is amending its regulations to provide for flood insurance.

Inasmuch as this change is mandated by the Flood Disaster Protection Act of 1973, public procedure is unnecessary and good cause exists for making this change effective upon publication.

Accordingly, Part 241 is amended as hereinafter set forth:

1. The table of contents to Subpart B of Part 421 is amended to include a new section as follows:

Sec.
241.265 Insurance of property against flood.

2. A new section shall be added to Subpart B as follows:

§ 241.265 Insurance of property against flood.

The mortgaged property shall be insured against flood as stipulated by the Federal Housing Commissioner. The mortgagee shall obtain such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of mortgage insurance may be terminated at the election of the Commissioner.

(Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d))

Effective date. This amendment is effective as of July 16, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

[FR Doc.74-16190 Filed 7-15-74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order 572-74]

PART 45—STANDARDS OF CONDUCT

Outside Interests; Reporting Requirements

This order revises the list of officials in the Immigration and Naturalization Service who are required to report outside financial interests, to reflect changes in the organization of the Service.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301 § 45.735-22(c)(2)(xx) of Chapter I of 28 CFR Part 45 is revised to read as follows:

§ 45.735-22 Reporting of outside interests by persons other than special Government employees.

* * * * *

(c) * * *
(2) * * *

(xx) Immigration and Naturalization Service:

Deputy Commissioner
Associate Commissioner, Management
Assistant Commissioner, Administration
Regional Commissioners for Northeast, Southeast, Northwest, and Southwest Regions
Deputy Regional Commissioners for Northeast, Southeast, Northwest, and Southwest Regions
Associate Deputy Regional Commissioners, Management, for Northwest, Southeast, Northeast, and Southwest Regions

* * * * *

Dated: July 8, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74-16212 Filed 7-15-74;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Determination as to Reasonable Cause

The present EEOC Regulations at § 1601.19b (b) and (d) provide that if the Commission reconsiders a determination of reasonable cause, it notifies the person aggrieved, the person making the charge on behalf of the aggrieved person, where applicable, and the respondent, or in the case of a charge filed under Regulation § 1601.10, the person aggrieved, if known, and the respondent, of the Commission's intention to reconsider the original determination and of the subsequent decision on reconsideration.

The requirement of notice of intent to reconsider contained in § 1601.19b (b) and (d) serves no procedural purpose, as there is no authorization or procedure for the parties to take any action with regard to the reconsideration. The following revision of § 1601.19b (b) and (d) will eliminate the requirement of the notice of the intention to reconsider, while retaining the requirement of giving notice of the final decision on reconsideration.

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends 29 CFR Chapter XIV by revising 1601.19b (b) and (d) to read as follows:

§ 1601.19b Determination as to reasonable cause.

* * * * *

(b) The Commission shall promptly notify the aggrieved person, the person making a charge on behalf of such person, where applicable, and the respondent, or, in the case of a charge filed under § 1601.10, the person aggrieved, if known and the respondent of its determination under paragraph (a) of this section. The determination is final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider its determination at any time and, when it does so, the Commission shall promptly notify the aggrieved person, the person making the charge on behalf of the aggrieved person, where applicable, and the respondent, or, in the case of a charge filed under § 1601.10, the person aggrieved, if known, and the respondent of its subsequent decision on reconsideration.

* * * * *

(d) The District Directors, or other designated officers, on behalf of the Commissioner, may, upon completion of an investigation, dismiss charges, make and issue determinations as to reasonable cause, and serve a copy thereof upon the parties, and make and approve conciliation agreements in those cases where such authority has been delegated to them by the Commission. The determination is final when issued; therefore, requests for reconsideration will not be granted. The District Directors, or other designated officers, may, however, on their own motion, reconsider their determination at any time and, when they do so, they shall promptly notify the aggrieved person, the person making the charge on behalf of the aggrieved person, where applicable, and the respondent, or in the case of a charge filed under § 1601.-10, the person aggrieved, if known, and the respondent of their subsequent decision on reconsideration.

* * * * *

These amendments shall become effective August 15, 1974.

Signed at Washington, D.C., the 9th day of July 1974.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-16221 Filed 7-15-74;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

Life Saving Equipment; Correction

JULY 9, 1974.

In FR Doc. 74-12737, June 19, 1974, paragraph (b) (1) and (2) was left out of § 1917.84 on page 22072. The paragraph should be inserted after § 1917.84 (a)(2) to read as follows:

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

CLAY G. GUTHRIDGE,
Safety Specialist, Maritime Standards, Office of Standards Development.

[FR Doc.74-16215 Filed 7-15-74;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 133—TOLLS FOR USE OF CANAL

Increase in Panama Canal Tolls

On April 30, 1974, the Panama Canal Company published in the FEDERAL REGISTER (39 FR 15033) a notice of adoption of changes in the rates of tolls for use of the Panama Canal prescribed by 35 CFR 133.1, effective on approval by the President but no earlier than June 26, 1974. The amended regulation was approved by the President on July 8, 1974. The basis for the action changing the rates of tolls is authority vested in the Panama Canal Company and in the President by sections 411 and 412 of title 2 of the Canal Zone Code (76A Stat. 27).

The full text of 35 CFR 133.1, as amended, is as follows:

§ 133.1 Rates of toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, $1.08 per net-vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with Part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, $.86 per net-vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, $.60 per ton of displacement.

Dated: July 11, 1974.

THOMAS M. CONSTANT,
Secretary.

[FR Doc.74-16219 Filed 7-15-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19623, RM-1936; FCC 74-725]

PART 78—CABLE TELEVISION RELAY SERVICE

Alternative Channel Arrangement

In the Matter of Amendment of Part 78 of the Commission's rules and regulations to add an Alternative Channel Arrangement, Reducing the Bandwidths Available for Intra-City Stations, and Adding Certain Other Clarifications.

1. By notice of proposed rule making, adopted November 1, 1972, 37 FCC 2d 854, the Commission proposed amendments to §§ 78.18, 78.103, 78.111 and 78.115 of the Commission's rules and regulations to: (1) provide an alternative channel arrangement for Local Distribution Service (LDS) stations in the Cable Television Relay (CAR) Service which is compatible with potential frequency plans within cable television systems, (2) clarify the Rules to make clear the situations in which nonadjacent channels may be used for LDS station operation, (3) provide a 12.5 MHz channel assignment plan for FM and double-sideband AM systems of transmission, (4) specify new frequency tolerance provisions and (5) limit all stations in the CAR service that do not use frequency-division multiplexed/FM (FDM/FM) systems of transmission and have path lengths less than 10 miles to a 12.5 MHz authorized bandwidth. Items (1) and (2) above were initiated by a Theta-Com of California Petition for Rule Making RM-1936. Items (3) thru (5) were added sua sponte by the Commission because these matters were "timely both in terms of the potential for congestion being created by these intra-city stations in major cities and in terms of the developing technology which it appears will make this bandwidth reduction both technically and economically feasible over the distances involved in typical intra-city adopted amendments to §§ 78.5, 78.18,

2. By Report and Order, adopted June 13, 1973, 41 FCC 2d 464, the Commission adopted amendments to §§ 78.5, 78.18, 78.103, 78.111 and 78.115 of the Commissions rules and regulations. These amendments were essentially those published in the notice of proposed rule making. However, at the urging of Theta-Com and others, minor changes were made to provide a measure of flexibility by allowing authorization of variations to the rules upon adequate showing on a case-by-case basis. See, e.g., § 78.18 (e) of the rules.

3. Petitions for reconsideration were received from Microwave Associates and International Microwave Corporation, and opposition thereto by Theta-Com of California. We now address the issues raised.

OCCUPIED BANDWIDTH SPECIFICATION

4. Microwave Associates objects to the definition of "authorized Bandwidth" set forth in § 78.5(h) of the rules as well as the modulation limits set forth in § 78.115(b). These provisions operate in concert with § 78.18(i) of the rules to effectively preclude the use of FM transmission using 12.5 MHz channels generally, or the use, of FM transmission totally in system paths less than 10 miles in length.[1] Because FM transmission is the only means of providing a received signal which can be carried on another CAR link without material degradation, the net effect of the rules adopted in the Report and Order is to substantially limit the nature of urban cable system structures. Microwave Associates submits data from measurements it has performed and maintains that with an in-

[1] Section 78.5(h) of the rules provides that authorized bandwidth is:

"The maximum bandwidth authorized to be used by a station as specified in the station license. This shall be the occupied bandwidth or the necessary bandwidth, whichever is greater."

Because "necessary bandwidth" is calculated by a formula which is a worst-case approximation utilizing an input baseband which may never be used in specific applications, "necessary bandwidth" invariably exceeds "occupied bandwidth" which is that portion of the spectrum occupied by 99 percent of the emitted energy. See § 2.202 of the rules. Changes necessary to effect a "necessary bandwidth" of 12.5 MHz would materially degrade the television signal.

Section 78.18(i) of the rules provides that ordinarily "(a)ll stations (with transmission paths less than ten miles in length) shall employ no more than 12.5 MHz authorized bandwidth per channel * * *" put baseband approximating an off-the-air television signal,[2] the signal emitted from standard FM transmission equipment has an occupied bandwidth substantially less than 12.5 MHz. It is suggested that if such a baseband is utilized by a licensee in a particular application, appropriate flexibility should exist in the Commission's rules to allow the specification of occupied bandwidth as an alternative to necessary bandwidth—thereby allowing all the modes of operation otherwise excluded.

5. Theta-Com of California is concerned with the adequacy of the data submitted by Microwave Associates, as well as the potential effect of out-of-channel radiation on adjacent channel communication. These are valid concerns. However, techniques exist whereby these undesirable effects may be minimized. Therefore, we have added a new § 78.104 to our rules to permit licensees to specify the use of the lesser of the occupied or necessary bandwidth as the authorized bandwidth under specific circumstances in which the licensee makes certain showings acceptable to the Commission. These showings must indicate that the proposed operation will not significantly increase the potential for interference to operation on adjacent channels. In addition such a showing will be required to establish that the transmitting equipment to be used is capable of operation within the emission limitation requirements of § 78.103(b)(1) and will operate so that 99 percent of the total radiated power will be contained within the frequency limits of the assigned channel.

6. The Commission has repeatedly emphasized its desire to encourage innovation in the development of system structures consonant with conserving spectrum. This desire is not served by essentially precluding system configurations that may prove highly viable to urban LDS, using novel technical approaches to conserve spectrum. At this time, proceeding on this innovative course is appropriately conducted on a case-by-case basis involving a sufficient technical showing accompanying any application for authorization. In making a determination of sufficiency, the staff will be guided by the following standards: (1) the amount of signal distortion introduced by excluding higher-order sideband components must not be significant, (2) emissions outside the desired channel must not result in significant interference to adjacent channel transmissions, (3) the carrier frequency tolerance must not aggravate (1) and (2), above, and (4) techniques used must reasonably reflect state-of-the-art capabilities. §§ 78.5(h) and 78.115 of the rules should be amended to allow this action.

CARRIER FREQUENCY TOLERANCE

7. International Microwave Corporation objects to the adoption of an inflexible carrier frequency tolerance. It asserts that if the input baseband is reduced to 6 MHz or less for double-sideband AM modulation, the more restrictive frequency tolerances adopted in the Report and Order bear no relationship to a valid technical concern and result in the substantially increased equipment costs. Theta-Com of California objects, asserting that any loosening of said tolerance "would defeat the Commission's stated purpose for achieving optimum spectrum utilization efficiency."

8. Theta-Com's concerns are well directed. However, the standard established by the Commission toward implementing its stated purpose at this time is a 12.5 MHz criterion not 6 MHz. If the Commission had determined that double-sideband AM transmission thwarted its spectrum conservation purpose, it could have eliminated this method of modulation. In light of the 12.5 MHz standard, if an individual applicant wished to impose restrictions on his input baseband such as to allow a greater carrier frequency tolerance without impacting its technical specifications, appropriate flexibility should exist in the Commission's rules to implement the operation.

9. All interests are best served by providing fixed general guides, yet allowing the authorization of conditional modes of operation. On a case-by-case basis involving a sufficient technical showing accompanying any application for authorization, special tolerances may be specified. In making a determination of sufficiency, the following standards will govern: 1) the difference between the occupied bandwidth and the channel width must accommodate the desired tolerance without degradation of other technical specifications, and 2) techniques used must reasonably reflect state-of-the-art capabilities.

CONCLUSIONS

10. In light of the foregoing, we conclude the public interest would be served by the adoption of the rules set forth in the Appendix hereto. Authority for the rules is contained in sections 2, 3(a), 4(i), and (j), 301, 303, 307(b), 308, 309, 403 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective August 16, 1974, the modifications in Part 78 of the Commission's rules and regulations that are set out in Appendix A are adopted.

It is further ordered, That the petitions for Reconsideration are denied in all other respects.

It is further ordered, That proceedings in Docket 19623 are terminated.

Adopted: July 2, 1974.

Released: July 3, 1974.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 403, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1085, 1094; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 403)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

Part 78 of Chapter I of Title 47 CFR is amended in the following manner:

1. In § 78.5, Paragraph (h) is amended to read as follows:

§ 78.5 Definitions.

* * * * *

(h) *Authorized bandwidth.* The maximum bandwidth authorized to be used by a station as specified in the station license. (See §§ 2.202 and 78.104.)

2. In § 78.103, the headnote is revised to read as follows:

§ 78.103 Emissions and emission limitations.

* * * * *

3. A new § 78.104 is added to read as follows:

§ 78.104 Authorized bandwidth and emission designator.

(a) The authorized bandwidth permitted to be used by a cable television relay station and specified in the station license shall be the occupied or necessary bandwidth, whichever is greater, except when otherwise authorized by the Commission in accordance with paragraph (b) of this section.

(b) As an exception to the provision of paragraph (a) above, the Commission may approve requests to base the authorized bandwidth for the station on the lesser of the occupied or necessary bandwidth where a persuasive showing is made that:

(1) Interference potential to operation on adjacent channels will not be significantly increased;

(2) The frequency stability of the transmitting equipment to be used will permit compliance with § 78.103(b)(1) and, additionally, will permit 99 percent of the total radiated power to be kept within the frequency limits of the assigned channel.

(c) The emission designator shall be specified in terms of the necessary bandwidth. (See § 2.201(a) of this chapter.)

4. In § 78.111, the footnote at the end of the section is amended to read as follows:

§ 78.111 Frequency tolerance.

* * * * *

[1] This tolerance shall apply to stations authorized on or after July 1, 1974, and to equipment type-accepted on or after January 1, 1974. A frequency tolerance of 0.02 percent shall apply to all other equipment in this category. Except that upon suitable showing that the occupied bandwidth (Ref. § 2.202) is sufficiently less than the channel width desired, accompanying any application for authorization, special tolerances may be specified in said authorization.

5. In § 78.115, paragraph (b) is amended to read as follows:

§ 78.115 Modulation limits.

* * * * *

(b) For stations that employ FM transmission, the total excursion of the radio frequency carrier under modulation and the maximum modulation frequency must be maintained so that the authorized bandwidth is not exceeded in operation.

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[2] This is essentially a superposition of the (sin x)/x functions for periodic luminance and chrominance information with the addition of a FM aural subcarrier at 4.5 MHz. See, e.g., J. Fink, Television Engineering Handbook (1957) at 10-1; Part 73 of the rules.