

on 2d Street with a painted median east of the railroad overpass, a new four-lane divided bridge and a four-lane divided facility with a 16-foot wide median from the viaduct at Webb Road. (Region 7) (FHWA-NEB-EIS-76-01-F.) Comments made by: HUD, DOI, EPA, DOT, AHP, State, and local agencies. (ELR Order No. 80589.)

U.S. 60, Diamond to Hugheston, Kanawha County, W. Va. June 2: The statement discusses the proposed reconstruction of U.S. 60 from a 2-lane to a 4-lane highway from Diamond to Hugheston. The proposed facility is 9 miles long and parallels the Kanawha River in Kanawha County. There will be minor pollution effects resulting from construction. Also acquisition of additional rights-of-way will require the displacement of varying number of families and businesses depending on which of three alternatives is chosen. (FHWA-WV-EIS-74-07-F.) Comments made by: FPC, DOT, COE, AHP, DOI, and EPA. (ELR Order No. 80596.)

Draft Supplement

Shakwak Highway Improvement (S-1), May 30: This EIS supplements an EIS filed in December 1977. The proposed action involves the improvement of the Shakwak highway. The Shakwak project follows the bank of the Klehini River through rainy hollow for approximately 15 kilometers north from the Alaska/British Columbia border and then ascends sharply upward for five kilometers to Three Guardsmen Pass. From Three Guardsmen Pass to Dezadeash Lake, 120 kilometers the roadway traverses a series of Subal Pine valleys to the Shahwak valley which extends northward approximately 370 kilometers to the Yukon territory/Alaska border. (FHWA-BC/YT-EIS-77-01-D.) (ELR Order No. 80583.)

VETERANS ADMINISTRATION

Contact: Mr. Lyman T. Miller, Assistant Director for Construction and Valuation, Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, 202-389-2691.

Final

VA Cemetery at Riverside County, Calif., June 2: Proposed is the development of a new cemetery for the interment of veterans at Riverside, Calif. The 750 acre site will include approximately 500 burial acres with a capacity of 437,000 burials, plus additional space for Columbariums. Initial construction will supply burial sites for 40,000 interments, and administration building, maintenance center, and a water impoundment area which will serve a dual function not only as a focal point of landscape, but as storage for irrigation water. Adverse impacts include additional traffic generated by funeral processions and visitors to the site. Comments made by: USDA, USAF, EPA, HUD, DOI, DOT, and State agency. (ELR Order No. 80597.)

[FR Doc. 78-16065 Filed 6-8-78; 8:45 am]

[6560-01]

[FRL 910-2; OPP-33000/545 & 546]

PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Receipt of Application

On November 19, 1973, the Environmental Protection Agency (EPA) pub-

lished in the FEDERAL REGISTER (39 FR 3182) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, are being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data and wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, or (d) wishes to assert confidential status under Section 10 for his data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claimant by certified

mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claim must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before August 8, 1978. EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before July 10, 1978. Registration will be delayed pending resolution of section 10 claims.

Dated: June 2, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATION RECEIVED 33000/545

EPA Reg. No. 52-53. West Chemical Products, Inc., 42-16 West St., Long Island City, NY 11101. WESCOL Active Ingredients: Coal Tar Neutral Oils 40.0%; Soap 20.0%; Coal tar phenols 17.0%; o-benzyl-p-chlorophenol 7.2%; Isopropanol 2.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32 This Label supersedes the label which appeared in the FEDERAL REGISTER on April 18, 1978 on page 16401.

EPA File Symbol 52-ELR. West Chemical Products, Inc. SUPER PHENOLA. Active Ingredients: Sodium o-Phenylphenate 8.50%; Isopropanol 2.50%; Sodium o-benzyl p-Chlorophenolate 2.20%; Sodium Tertiaryamylphenate 1.40%; Sodium dodecylbenzenesulfonate 1.05%; Sodium lauryl sulfate 1.00%; Tetrasodium ethylenediaminetetraacetate 0.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 193-RA. Wonder Chemical Corp., 249 Canal Rd., Fairless Hills, PA 19030. WONDER CHLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 264-204. Amchem Products, Inc., Brookside Ave., Ambler, PA 19002. BROMINAL. Active Ingredients: Octanoic acid ester of bromoxynil (3,5-dibromo-4-hydroxybenzotrile) 33.1%. Method of

- Support: Application proceeds under 2(b) of interim policy. Republished: Adding tank mix with Avenge. PM25
- EPA File Symbol 299-ENU. C. J. Martin Co., 606 W. Main St., Nacogdoches, TX 75961. MARTIN'S DIPEL WP. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of potency per milligram (1.96 billion International Units per pound). Method of Support: Application proceeds under 2(b) of interim policy. PM17
- EPA File Symbol 323-LT. J. I. Holcomb Co., 4415 Euclid Ave., Cleveland, OH 44103. HOLCOMB DUAL ACTION CRAWLING AND FLYING INSECT KILLER. Active Ingredients: + (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(b) of interim policy. PM17
- EPA Reg. No. 352-317. E. I. du Pont de Nemours & Co. Inc., Legal Dept., D7045, Wilmington, DE 19898. SINBAR. Active Ingredients: Terbacil [3-tert-butyl-5-chloro-6-methyluracil] 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25
- EPA File Symbol 359-ATL. Rhodia Inc. Agricultural Division, P.O. Box 125, Monmouth Junction, NJ 08852. RONSTAR HERBICIDE. Active Ingredient: Oxadiazon [2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl) delta 2-1,3,4-oxadiazolin-5-one] 24.4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay. PM24
- EPA Reg. No. 464-501. The Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. LORSBAN 25-SL WETTABLE POWDER INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 25%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12
- EPA File Symbol 475-ENT. Boyle-Midway Inc., 685 Third Ave., New York, NY 10017. DIAPER PURE PRESOAK. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.90%, N-Alkyl (68% C12, 32% C14) dimethyl Ethelbenzyl, Ammonium Chlorides 0.90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: change in method of support. PM31
- EPA File Symbol 538-RLG. ProTurf Division, O. M. Scott & Sons, Marysville, OH 43040. SCOTTS PROTURF HD INSECT CONTROL + FERTILIZER TURF INSECTICIDE. Active Ingredients: Chlorpyrifos [O, O-diethyl-O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.85%. Method of Support: Application proceeds under 2(b) of interim policy. PM12
- EPA File Symbol 538-RLU. O. M. Scott & Sons. SUMMER INSECT CONTROL PLUS FERTILIZER FOR LAWNS. Active Ingredients: Chlorpyrifos [O,O-diethyl-O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.92%. Method of Support: Application proceeds under 2(b) of interim policy. PM12
- EPA File Symbol 707-RGU. Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105. KATHON 886 MW 1.5%. Active Ingredients: 5-Chloro-2-methyl-4-isothiazolin-3-one 1.15%; 2-Methyl-4-isothiazolin-3-one 0.35%. Method of Support: Application proceeds under 2(b) of interim policy. PM33
- EPA File Symbol 707-RUG. Rohm & Haas Co. KATHON 893T. Active Ingredients: 2-n-Octyl-3-isothiazolin-3-one 85.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM22
- EPA File Symbol 769-UAN. Woolfolk Chemical Works, Inc., Fort Valley, GA 31030. SECURITY DIPEL SPRAY BIOLOGICAL INSECTICIDE. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of Potency per mg (equivalent to 1.96 billion International units of potency per pound). Method of Support: Application proceeds under 2(b) of interim policy. PM17
- APPLICATION RECEIVED 33000/546
- EPA File Symbol 1658-EU. Hillyard Chemical Co., P.O. Box 909, St. Joseph, MO 64502. PHENE-O-CLEAN. Active Ingredients: Ortho-Phenylphenol 1.46%; Ortho-benzyl-para-chlorophenol 0.99%; Isopropyl alcohol 0.50%; Sodium xylene sulfonate 0.10%. Method of Support: Application proceeds under 2(a) of interim policy. PM32
- EPA File Symbol 2125-TL. Science Products Co. Inc., 5801 N. Tripp Ave., Chicago, IL 60646. BLOSSOM SET. Active Ingredients: Beta-naphthoxyacetic acid 0.0042%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Formulation change. PM25
- EPA File Symbol 2724-ETA. Zoecon Industries, Inc., 12200 Denton Drive, Dallas, TX 75234. ZOECON MUSCAMONE FLY ATTRACTANT. Active Ingredients: (Z) -9-tricosene 60.0%; Method of Support: Application proceeds under 2(b) of interim policy. PM13
- EPA Reg. No. 2831-50. Napasco International Inc., P.O. Box 1219, Thibodaux, LA 70301. MICRO-X LEMON DISINFECTANT. Active Ingredients: o-Phenylphenol 00.17%; p-tertiary-Amylphenol 00.04%; Isopropanol 52.92%; Essential oils 00.50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32
- EPA Reg. No. 2831-51. Napasco International Inc. MICRO-X ORANGE DISINFECTANT. Active Ingredients: o-Phenylphenol 00.17%; p-tertiary-Amylphenol 00.04%; Isopropanol 52.92%; Essential oils 00.35%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32
- EPA Reg. No. 3125-136. Chemagro Agricultural Division, Mobay Chemical Corp., Kansas City, MO 64120. BAYLUSCIDE 70% WETTABLE POWDER. Active Ingredients: 5-Chloro-N-(2-chloro-4-nitrophenyl)-2-hydroxybenzamide compound with 2-aminoethanol (1:1) 70%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Amendment. PM11
- EPA Reg. No. 3125-277. Chemagro Agricultural Division. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25
- EPA Reg. No. 3125-277. Chemagro Agricultural Division. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25
- EPA Reg. No. 3125-314. Chemagro Agricultural Division. SENCOR 4 FLOWABLE HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 41%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25
- EPA Reg. No. 3125-314. Chemagro Agricultural Division. SENCOR 4 FLOWABLE HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 41%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25
- EPA File Symbol 3554-G. The A. I. Root Co., Medina, OH 44256. BENZALDEHYDE. Active Ingredients: Benzaldehyde 100%. Method of Support: Application proceeds under 2(a) of interim policy. PM17
- EPA File Symbol 3703-E. Intercem, 5703 E. Melville Way, Anaheim, CA 92806. COOLING TOWER ALGAECIDE. Active Ingredients: Dioctyl dimethyl ammonium chloride 50%; ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New offer to pay. PM31
- EPA Reg. No. 3770-277. Economy Products Co., Inc., Shenandoah, IA 51601. 4% MALATHION POWER INSECTICIDE. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16
- EPA Reg. No. 4254-3. Cardinal Products Corp., P.O. Box 501, Miami, FL 33138. MILDEW STOP SPRAY. Active Ingredients: 2,2'-Methylenebis (4-chlorophenol) 0.9%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formula change. PM32
- EPA File Symbol 4822-RAN. S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403. OFF! FORMULA III LIQUID SPRAY INSECT REPELLENT. Active Ingredients: N,N-diethyl-meta-toluamide 17.10%; other isomers 0.90%. Method of Support: Application proceeds under 2(b) of interim policy. PM17
- EPA File Symbol 4828-RNO. Abco, Inc., P.O. Box J, Irwin, PA 15642. SQUIRE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34
- EPA File Symbol 4823-RRN. Abco, Inc. PIONEER. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34
- EPA File Symbol 4828-RRR. Abco, Inc. ASTRO. Active Ingredients: poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34
- EPA File Symbol 4828-RRE. Abco, Inc. RESTORE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethyl-

ene-dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 6720-59. Southern Mill Creek Products Co., Inc., P.O. Box 1096, Tampa, FL 33601. DURSBAN 2E INSECTICIDE. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 23.5%; Aromatic petroleum derivative solvent 14.9%; Xylene 54.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 6720-148. Southern Mill Creek Products Co., Inc. DURSBAN 1E INSECTICIDE. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 12.9%; Aromatic petroleum derivative solvent 78.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 7001-144. Occidental Chemical Co., P.O. Box 198, Lathrop, CA 95330. 50% MALATHION INSECT SPRAY. Active Ingredients: Malathion 50.0%. Xylene 35.4%. Method of Support: Application proceeds under 2(b) interim policy. Republished: Added uses. PM16

EPA File Symbol 9619-0. Synthetic Labbs, Inc., P.O. Box 131, Dracut, MA 01826. GC SUPER 50. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 9771-1. W-B Chemical Co., Inc., 15 So. MacQuesten Pkwy, Mount Vernon, NY 10550. W-B DISINFECTANT SANITIZER AND DEODORANT. Active Ingredients: n-Alkyl (60% C14, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.50%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethyl benzyl ammonium chloride 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished; Amendment. PM31

EPA File Symbol 9800-RO. Stewart-Hall, Chemical Corp., Mount Vernon, NY 10553. RE-FRESH HUMIDIFIER TREATMENT. Active Ingredients: n-Alkyl (98% C12, 2% C14) dimethyl 1-naphthylmethyl ammonium chloride monohydrate 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc. 78-16156 Filed 6-8-78; 8:45 am]

[6560-01]

[FRL 910-5]

RESOURCE CONSERVATION COMMITTEE

Change in Meeting Time

The Resource Conservation Committee staff is holding monthly informal discussion forums so that interested parties may participate in the Committee's study of a wide range of proposals aimed at improving the use of materials in the United States. These informal discussions are in addition to the formal public meetings which have been and will be held by the Committee.

These meetings take place monthly at the Environmental Protection Agency, 401 M Street SW., Washing-

ton, D.C. The third open forum will be held Tuesday, June 13, 1978, from 11 a.m. to 1 p.m. in room 3908. For further information and to request that an item for discussion be placed on the agenda, contact Susan Mann, Public Participation Liaison at 202-755-9145.

The objective of these sessions is to provide an opportunity for the exchange of ideas relating to resource conservation between interested parties. As such, the format will be informal and provide for discussion rather than formal statements. No official record will be maintained. Participants are encouraged to propose innovative policy options for discussion.

The Resource Conservation Committee is the interagency committee set up under Section 8002(j) of the Resource Conservation and Recovery Act (Pub. L. 94-580). The Committee is chaired by EPA Administrator Douglas Costle and includes the Secretaries of Commerce, Labor, Interior, Energy, and Treasury; Chairman of Council on Environmental Quality; Director of Office of Management and Budget; and Chairman of Council of Economic Advisers. The Committee will make recommendations to the President and the Congress later this year on the desirability and possible design of policy options including solid waste disposal charges, resource conservation subsidies, direct product regulation, local solid waste user fees, and other policy proposals. They would like to include the public in the decision-making process and are soliciting views on these potential legislative initiatives.

Dated: June 6, 1978.

BARBARA BLUM,
Deputy Administrator, U.S.
Environmental Protection Agency.

[FR Doc. 78-16066 Filed 6-8-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

AM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: June 1, 1978.

Released: June 5, 1978.

Notice is hereby given, pursuant to Section 1.571(c) of the Commission's Rules, that on July 31, 1978, the AM applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to Section 1.227(b)(1) and Section 1.591(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 28, 1978, which involves a conflict necessitating a hearing with any application on this list, must be sub-

stantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by the close of business of July 28, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to Section 1.571(c) of the Commission's Rules.

The attention of any party in interest desiring to file pleadings concerning any pending AM applications, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

BML-2677 (WESR), Olney-Onancock, Ba., The Accomack Northampton Broadcasting Co., Inc. Has: 1330 kHz, 5kW, Day (Tasley, Va.). Req: 1330kHz, 5 kW, Day (Olney-Onancock, Va.).

BMP-14,224 (WPOM), Rivera Beach, Fla., Rivera Broadcasting Corp., Has: 1600 kHz, 1kW, DA-1, U. Req: 1600 kHz, 1kW, 5 kW-LS, DA-2, U.

BP-20,388 (KWUN), Concord, Calif., Adler Communications Co., Inc. Has: 1480 kHz, 500 W, DA-Day. Req: 1480 kHz, 500 W, DA-1, U.

BP-20,392 (KEES), Gladewater, Tex., Orman L. Kimbrough Has: 1430 kHz, 1kW, Day. Req: 1430 kHz, 1kW, 5 kW-LS, DA-N, U.

BP-20,405 (WGTO), Cypress Gardens, Fla., Hubbard Broadcasting, Inc. Has: 540kHz, 250 W, 50 kW-LS, DA-2, S.H. Req: 540kHz, 1kW, 50 kW, 50 kW-LS, DA-2, U.

BP-20,412 (KXVI), McKinney-Plano, Tex., AHB Broadcasting Corp. Has: 1600 kHz, 5kW, DA, Day. Req: 1600 kHz, 1kW, 5 kW-LS, DA-2, U.

BP-20,413 (KARI), Blaine, Wash., The Birch Bay Broadcasting Co., Inc. Has: 550 kHz, 1 kW, 5 kW-LS, DA-2, U. Req: 550 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

BP-20,415 (KLIQ), Lake Oswego, Oreg., Cascade Broadcasting Corp. Has: 1290 kHz, 5 kW, Day (Portland, Oreg.). Req: 1290 kHz, 5 kW, DA-1, U (Lake Oswego, Oreg.).

BP-20,419 (WASA), Havre de Grace, Md., The Chesapeake Broadcasting Corp. Has: 1330 kHz, 5 kW, Day. Req: 1330 kHz, 0.5 kW, 5 kW-LS, DA-N, U.

BP-20,421 (WYYZ), Jasper, Ga., Pickens County Broadcasting Co. Has: 1580 kHz, 250 W, Day. Req: 1490 kHz, 250 W, 1 kW-LS, U.

BP-20,423 (WKHJ), Holly Hill, S.C., Radio Holly Hill, Inc. Has: 1440 kHz, 1 kW, Day. Req: 1440 kHz, 1 kW, DA-N, U.

BP-20,429 (WBEV), Beaver Dam, Wis., Beaver Dam Radio, Inc. Has: 1430 kHz, 1 kW, Day. Req: 1430 kHz, 1 kW, DA-N, U.

BP-20,430 (WRMN), Elgin, Ill., Elgin Broadcasting Co., Inc. Has: 1410 kHz, 1 kW, Day. Req: 1410 kHz, 0.5 kW, 1 kW-LS, DA-N, U.

- BP-20,433 (KITI), Centralia-Chehalis, Wash., KITN-KITI Corp. Has: 1420 kHz, 1 kW, Day. Req: 1420 kHz, 1 kW, DA-N, U.
- BP-20,434 (WLNA), Peeskill, N.Y., Highland Broadcasting Corp. Has: 1420 kHz, 1 kW, Day. Req: 1420 kHz, 1 kW, 5 kW-LS, DA-2, U.
- BP-20,436 (WGUY), Brewer, Maine, Bangor Broadcasting Corp. Has: 1250 kHz, 5 kW, Day (Bangor, Maine). Req: 1250 kHz, 5 kW, DA-N, U (Brewer, Maine).
- BP-20,439 (KVNJ), Coeur d'Alene, Idaho, North Idaho Broadcasting Co. Has: 1240 kHz, 250 W, 1 kW-LS, U. Req: 1080 kHz, 1 kW, 10 kW-LS, DA-N, U.
- BP-20,450 (new), Troy, Ohio, Cloverleaf Broadcasting Corp. Req: 1510 kHz, 250 W, DA, Day.
- BP-20,451 (WTNJ), Ewing, N.J., Progressive Communications, Inc. Has: 1300 kHz, 5 kW, DA, Day (Trenton, N.J.). Req: 1300 kHz, 2.5 kW, 5 kW-LS, DA-2, U (Ewing, N.J.).
- BP-20,455 (new), Volga, S.Dak., Dakota-North Plains Corp. Req: 910 kHz, 1 kW, 500 W-LS, DA-2, U.
- BP-20,462 (WEKG), Jackson, Ky., The Intermountain Broadcasting Co., Inc. Has: 810 kHz, 1 kW, Day. Req: 810 kHz, 5 kW, Day.
- BP-20,466 (WLTH), Gary, Ind., Northwestern Indiana Broadcasting Corp. Has: 1370 kHz, 1 kW, Day. Req: 1370 kHz, 500 W, 1 kW-LS, DA-N, U.
- BP-20,467 (WHOT), Campbell, Ohio, WHOT, Inc. Has: 1330 kHz, 1 kW, 500 W-LS, DA-2, U. Req: 1330 kHz, 5 kW, 500 W-LS, DA-2, U.
- BP-20,468 (WBLG), Lexington, Ky., Village Communications, Inc. Has: 1300 kHz, 1 kW, DA-N, U. Req: 1300 kHz, 1 kW, 2.5 kW-LS, DA-N, U.
- BP-20,470 (WDMJ), Marquette, Mich., WDMJ, Inc. Has: 1320 kHz, 1 kW, DA-N, U. Req: 1320 kHz, 1 kW, 5 kW-LS, DA-N, U.
- BP-20,471 (WNPV), Lansdale, Pa., Equitable Publishing Co. Has: 1440 kHz, 500 W, DA, Day. Req: 1440 kHz, 500 W, DA-2, U.
- BP-20,474 (KTPA), Prescott, Ark., Newport Broadcasting Co. Has: 1370 kHz, 500 W, Day. Req: 1370 kHz, 1 kW, Day.
- BP-20,475 (NEW), Tuba City, Ariz., The Navajo Bible School and Mission. Req: 1050 kHz, 5 kW, Day.
- BP-20,486 (KSPR), Springdale, Ark., Johnson Communications, Inc. Has: 1590 kHz, 500 W, Day. Req: 1590 kHz, 1 kW, Day.
- BP-20,487 (WWCH), Clarion, Pa., Clarion County Broadcasting Corp. Has: 1300 kHz, 500 W, Day. Req: 1300 kHz, 1 kW, Day.
- BP-20,488 (WRDD), Bay City, Mich., Tri-Media, Inc. Has: 1440 kHz, 500 W, 1 kW-LS, U. Req: 1440 kHz, 2.5 kW, 5 kW-LS, DA-2, U.
- BP-20,489 (WECP), Carthage, Miss., Meredith Colon Johnston. Has: 1080 kHz, 250 W, Day. Req: 1080 kHz, 5 kW, DA, Day.
- BP-20,490 (WGSM), Huntington, N.Y., WGSM Radio, Inc. Has: 740 kHz, 5 kW, DA, Day. Req: 740 kHz, 25 kW, DA, Day.
- BP-20,492 (WCHN), Norwich, N.Y., Radio Norwich, Inc. Has: 970 kHz, 500 W, Day. Req: 970 kHz, 1 kW, Day.
- BP-20,493 (WMBT), Shenandoah, Pa., Schuylkill Trans-Audio Corp., Inc. Has: 1530 kHz, 1 kW, Day. Req: 1530 kHz, 2.5 kW, Day.
- BP-20,494 (WJSB), Crestview, Fla., Crestview Broadcasting Co., Inc. Has: 1050 kHz, 1 kW, Day. Req: 1050 kHz, 5 kW, Day.
- BP-20,496 (KCRA), Sacramento, Calif., Kelly Broadcasting Co. Has: 1320 kHz, 1 kW, 5 kW-LS, DA-2, U. Req: 1320 kHz, 5 kW, DA-2, U.
- BP-20,498 (WSBR), Boca Raton, Fla., Burbach Radio, Inc. Has: 740 kHz, 1 kW, DA, Day. Req: 740 kHz, 500 W, 1 kW-LS, DA-2, U.
- BP-20,499 (KGDN), Edmonds, Wash., King's Garden, Inc. Has: 630 kHz, 5 kW, Day. Req: 630 kHz, 1 kW, 5 kW-LS, DA-N, U.
- BP-20,501 (WIMS), Michigan City, Ind., Northern Indiana Broadcasters, Inc. Has: 1420 kHz, 500 W, 5 kW-LS, DA-2, U. Req: 1420 kHz, 5 kW, DA-2, U.
- BP-20,502 (KLMS), Lincoln, Nebr., Telegraph-Herald, Inc. Has: 1480 kHz, 1 kW, DA-2, U. Req: 1480 kHz, 1 kW, 2.5 kW-LS, DA-2, U.
- BP-20,503 (WIZR), Johnstown, N.Y., Street Broadcasting Corp. Has: 930 kHz, 1 kW, Day. Req: 930 kHz, 1 kW, DA-N, U.
- BP-20,506 (WRIP), Rossville, Ga., Jay Sadow. Has: 980 kHz, 500 W, DA, Day. Req: 980 kHz, 500 W, DA-2, U.
- BP-20,508 (WLEA), Hornell, N.Y., Patricus Enterprises, Inc. Has: 1480 kHz, 1 kW, Day. Req: 1480 kHz, 2.5 kW, Day.
- BP-20,509 (KNWC), Sioux Falls, S. Dak., Northwestern College. Has: 1270 kHz, 1 kW, DA-N, U. Req: 1270 kHz, 2.5 kW, DA-2, U.
- BP-20,510 (WRYZ), Jupiter, Fla., Lighthouse Broadcasting Co., Inc. Has: 1000 kHz, 1 kW, DA, Day. Req: 1000 kHz, 250 W, 1 kW-LS, DA-2, U.
- BP-20,511 (KQKQ), Tempe, Ariz., Tri-State Broadcasting Co. Inc. Has: 1060 kHz, 500 W, DA-1, U. Req: 1060 kHz, 500 W, 5 kW-LS, DA-N, U.
- BP-20,514 (KANN), Ogden, Utah, Southern Nevada Communications Corp. Has: 1090 kHz, 1 kW, Day. Req: 1090 kHz, 5 kW, Day.
- BP-20,516 (KTIS), Minneapolis, Minn., Northwestern College. Has: 900 kHz, 1 kW, Day. Req: 900 kHz, 2.5 kW, Day.
- BP-20,517 (KEHG), Fosston, Minn., KEHG, Inc. Has: 1480 kHz, 5 kW, Day. Req: 1480 kHz, 2.5 kW, 5 kW-LS, DA-N, U.
- BP-20,518 (KVLH), Pauls Valley, Okla., Garvin County Broadcasting, Inc. Has: 1470 kHz, 250 W, Day. Req: 1470 kHz, 1 kW, DA, Day.
- BP-20,519 (WQCK), Warner Robins, Ga., WRBN, Inc. Has: 1600 kHz, 500 W, 1 kW-LS, DA-N, U. Req: 1600 kHz, 500 W, 2.5 kW-LS, DA-N, U.
- BP-20,521 (KPRM), Park Rapids, Minn., De La Hunt Broadcasting Corp. Has: 1240 kHz, 250 W, 1 kW-LS, U. Req: 1270 kHz, 5 kW, Day.
- BP-20,523 (WNNO), Wisconsin Dells, Wis., Taylor Electric Co. Has: 990 kHz, 500 W, Day. Req: 900 kHz, 1 kW, Day.
- BP-20,525 (KGAA), Kirkland, Wash., Glo-Lee Broadcasting Corp. Has: 1460 kHz, 5 kW, DA, Day. Req: 1460 kHz, 2.5 kW, 5 kW-LS, DA-2, U.
- BP-20,526 (WSBP), Chattahoochee, Fla., Soundway Broadcasting Co. Has: 1580 kHz, 1 kW, Day. Req: 1580 kHz, 5 kW, Day.
- BP-20,527 (KSXX), Sandy, Utah, D & B Broadcasting. Has: 630 kHz, 1 kW, DA, Day (Salt Lake City, Utah). Req: 630 kHz, 500 W, 1 kW-LS, DA-2, U (Sandy, Utah).
- BP-20,530 (WMCT), Mountain City, Tenn., Johnson County Broadcasting Co., Inc. Has: 1390 kHz, 500 W, Day. Req: 1390 kHz, 1 kW, Day.
- BP-20,532 (WCBK), Martinsville, Ind., Morgan County Broadcasters, Inc. Has: 1540 kHz, 250 W, Day. Req: 1540 kHz, 500 W, Day.
- BP-20,535 (WTKO), Ithaca, N.Y., Ivy Broadcasting Co., Inc. Has: 1470 kHz, 500 W, 1 kW-LS, DA-N, U. Req: 1470 kHz, 500 W, 5 kW-LS, DA-N, U.
- BP-20,538 (KRKK), Rock Springs, Wyo., Media West, Inc. Has: 1360 kHz, 500 W, 1 kW-LS, DA-N, U. Req: 1360 kHz, 1 kW, 5 kW-LS, DA-N, U.
- BP-20,539 (WHLF), Centerville, Tenn., Trans-Air Broadcast Corp. Has: 1570 kHz, 1 kW, Day. Req: 1570 kHz, 5 kW, Day.
- BP-20,541 (KKIK), Waco-Marlin, Tex., Jamar Media, Inc. Has: 1010 kHz, 10 kW, DA, Day. Req: 1010 kHz, 2.5 kW, 10 kW-LS, DA-2, U.
- BP-20,543 (KOGT), Orange, Tex., Sabine Area Broadcasting Corp. Has: 1600 kHz, 1 kW, DA-N, U. Req: 1600 kHz, 1 kW, 5 kW-LS, DA-2, U.
- BP-20,544 (WSCP), Sandy Creek-Pulaski, N.Y., Oswego-Jefferson Broadcasting, Inc. Has: 1070 kHz, 1 kW, Day. Req: 1070 kHz, 2.5 kW, Day.
- BP-20,546 (WVNH), Salem, N.H., Salem Broadcasting Co., Inc. Has: 1110 kHz, 5 kW, DA, Day. Req: 1110 kHz, 25 kW, DA, Day.
- BP-20,548 (KSOP), South Salt Lake City, Utah, KSOP, Inc. Has: 1370 kHz, 1 kW, Day (Salt Lake City, Utah). Req: 1370 kHz, 500 W, 5 kW-LS, DA-N, U (South Salt Lake City).
- BP-20,551 (WPLA), Plant City, Fla., WPLA Broadcasting Co., Inc. Has: 910 kHz, 1 kW, Day. Req: 910 kHz, 1 kW, DA-1, U.
- BP-20,554 (KAIM), Honolulu, Hawaii, Christian Broadcasting Association. Has: 870 kHz, 5 kW, U. Req: 870 kHz, 50 kW, DA-1, U.
- BP-20,555 (WPNC), Plymouth, N.C., Ralph D. Epperson. Has: 1470 kHz, 1 kW, Day. Req: 1470 kHz, 5 kW, Day.
- BP-20,556 (KISA), Honolulu, Hawaii, Hagadone Capital Corp. Has: 1540 kHz, 5 kW, Day. Req: 1540 kHz, 5 kW, U.
- BP-20,560 (new), Spencer, Tenn., Spencer Broadcasting Co. Req: 1420 kHz, 500 W, Day.
- BP-20,562 (WKKS), Vanceburg, Ky., Ohio Valley Broadcasting Co. Has: 1570 kHz, 250 W, Day. Req: 1570 kHz, 1 kW, Day.
- BP-20,567 (WQDI), Homestead, Fla., Radio South Dade, Inc., Has: 1430 kHz, 500 W, Day. Req: 1430 kHz, 500 W, DA-N, U.
- BP-20,572 (WKSJ), Prichard, Ala., Capitol Broadcasting Corp. Has: 1270 kHz, 1 kW, Day. Req: 1270 kHz, 5 kW, Day.
- BP-20,574 (new), Salyersville, Ky., Licking Valley Radio Corp. Req: 1140 kHz, 1 kW, Day.
- BP-20,575 (new), Florala, Ala., Florala Broadcasting Co., Inc. Req: 1230 kHz, 250 W, 1 kW-LS, U.
- BP-20,577 (new), Sun Prairie, Wis., Car-Mel Broadcasting. Req: 1190 kHz, 500 W, DA, Day.
- BP-20,578 (new), Ketchikan, Alaska, Sitka Broadcasting Co., Inc. Req: 1290 kHz, 5 kW, U.
- BP-20,580 (new), Umatilla, Oreg., Interfaith Christian Center. Req: 1090 kHz, 2.5 kW, Day.
- BP-20,581 (new), Dillon, Colo., Alan K. Levin. Req: 1130 kHz, 5 kW, Day.
- BP-20,584 (new), Webster, Mass., Lakeview Broadcasting Co., Inc. Req: 940 kHz, 250 W, Day.
- BP-20,586 (new), Crescent City, Fla., Bascap Radio, Inc. Req: 1330 kHz, 1 kW, DA, Day.
- BP-20,587 (WJNJ), Atlantic Beach, Fla., WKTIX, Inc. Has: 1600 kHz, 1 kW, Day. Req: 1600 kHz, 5 kW, Day.

- BP-20,590 (new), Adamsville, Tenn., Dixie Communications, Inc. of Tennessee. Req: 1540 kHz, 250 W., Day.
- BP-20,591 (new), Icard Township, N.C. Jimmy R. Jacumin. Req: 1580 kHz, 5 kW, DA, Day.
- BP-20,592 (new), Greenfield, Mass., Poet's Seat Broadcasting, Inc. Req: 1520 kHz, 10 kW, DA, Day.
- BP-20,595 (new), West Hazleton, Pa., Radio Action Co. Req: 1300 kHz, 5 kW, DA, Day.
- BP-20,596 (new), Flemingsburg, Ky., Fleming County Broadcasting, Inc. Req: 1060 kHz, 500 W, DA, Day.
- BP-20,597 (new), Elgin, Tex., Bastrop County Communications, Inc. Req: 1440 kHz, 500 W, DA-2, U.
- BP-20,612 (KUKA), San Antonio, Tex., Por Favor, Inc. Has: 1250 kHz, 1 kW, Day. Req: 1250 kHz, 1 kW, DA-N, U.
- BP-20,613 (new), Prichard, Ala., Mobile Broadcast Service, Inc. Req: 960 kHz, 2.5 kW, Day.
- BP-20,616 (new), Pittsburgh, Ky., Q Radio Group, Inc. Req: 1600 kHz, 500 W, Day.
- BP-20,617 (new), Lexington, N.C., Eastco Media, Inc. Req: 1140 kHz, 2.5 kW, DA, Day.
- BP-20,619 (new), Valdez, Alaska, Prince William Sound Broadcasters—a partnership. Req: 1400 kHz, 250 W, 1 kW-LS, U.
- BP-20,620 (new), Hilton Head Island, S.C. Coastal Empire Broadcasting Co., Inc. Req: 1130 kHz, 1 kW, Day.
- BP-20,624 (new), Gorham, Maine, Dirigo Communications, Inc. Req: 1590 kHz, 2.5 kW, 5 kW-LS, DA-2, U.
- BP-20,626 (new), Vail, Colo., Radio Vail Inc. Req: 1360 kHz, 5 kW, Day.
- BP-20,628 (WANB), Waynesburg, Pa., Commonwealth Broadcasters, Inc. Has: 1580 kHz, 250 W, Day. Req: 1580 kHz, 1 kW (500 W C.R.), Day.
- BP-20,678 (WEZQ), Winfield, Ala., John Seif. Has: 1300 kHz, 1 kW, Day. Req: 1300 kHz, 5 kW, Day.
- BP-20,721 (KKAP), Aptos-Capitola, Calif., KKAP Broadcasting Co. Has: 1540 kHz, 1 kW, Day. Req: 1540 kHz, 10 kW, DA, Day.
- BP-20,745 (WXVI), Montgomery, Ala., Brothers Broadcasting Corp. Has: 1600 kHz, 1 kW, DA-N U. Req: 1600 kHz, 1 kW, 5 kW-LS, DA-2, U.
- BP-20,800 (new), Bald Knob, Ark., John Paul Capps. Req: 710 kHz, 250 W, DA, Day.
- BP-20,830 (new), Hilton Head Island, S.C., Calibogue Broadcasting Co. Req: 1130 kHz, 1 kW, Day.
- BP-20,863 (new), Blountville, Tenn., Morgan Broadcasting Co. Req: 1140 kHz, 250 W, Day.
- BP-21,139 (WMSO), Collierville, Tenn., Albert L. Crain. Has: 1590 kHz, 500 W, Day. Req: 1220 kHz, 2.5 kW, DA, Day.
- BP-21,151 (new), Dimondale, Mich., B D T & W Broadcasting Co. Req: 1170 kHz, 1 kW, DA, Day.
- BP-21,160 (KBMR), Lincoln, N.D., KBMR Radio, Inc. Has: 1130 kHz, 10 kW, Day (Bismarck, N. Dak.). Req: 1130 kHz, 10 kW, 50 kW-LS, DA-2, U (Lincoln, N. Dak.).
- BP-21,187 (new), Vienna, Ga., Dooley Broadcasting. Req: 1550 kHz, 1kW, Day.

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[6712-01]

[FCC 78-322]

MINORITY OWNERSHIP OF BROADCASTING FACILITIES

Statement of Policy

MAY 25, 1978.

One decade ago, as a partial response to the concerns expressed in the Report of the National Advisory Committee on Civil Disorders ("The Kerner Report"),¹ the Commission articulated policies and principles which would guide it in its consideration of complaints that its licensees—or those who would be its licensees—had discriminated against minorities in their employment practices.² We observed that "we simply do not see how the Commission could make the public interest findings as to a broadcast applicant who is deliberately pursuing or preparing to pursue a policy of discrimination—of violating the National Policy."³

One year later, July 16, 1969, the Commission adopted rules which, in addition to forbidding discrimination on the basis of race, color, religion, or national origin, also required that "equal opportunity in employment * * * be afforded by all licensees or permittees * * * to all qualified persons."⁴ To meet this goal, licensees were required to develop a program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice. On May 20, 1970, the Commission adopted rules requiring most of the licensees within its jurisdiction to file annual employment reports and a written equal employment opportunity program with certain application forms.

Just 2 years ago, we reiterated and clarified our policy on employment discrimination. We emphasized that our rules embodied the concepts of nondiscrimination and affirmative action, observing that:

An Affirmative Action Plan is a set of specific and result oriented procedures which broadcasters must follow to assure that mi-

¹Report of the National Advisory Commission on Civil Disorders, (New York: Bantam Books, 1968).

²Petition for Rulemaking to Request Licensees to Show Nondiscrimination in their Employment Practices, 13 FCC 2d 766 (1968). ("(A) petition or complaint raising substantial issues of fact concerning discrimination in employment practices calls for full exploration by the Commission before the grant of the broadcast application before it.")

³Id. at 769.

⁴Nondiscrimination Employment Practices of Broadcast Licensees, 18 FCC 2d 240 (1969). "Sex" was added as an impermissible basis for discrimination in May 1970. Nondiscrimination Employment Practices of Broadcast Licensees, 23 FCC 2d 430 (1970).

norities and women are given equal and full consideration for job opportunities.⁵

In adopting the model EEO program proposed in 1975, the Commission noted that:

As we have moved with steadily increasing actions to strengthen our rules and policies in the area of nondiscrimination in the employment policies and practices of broadcast station licensees, we have attempted to do so in line with our primary statutory mandate—the regulation of communication by wire and radio in the public interest * * *.

[We have sought to limit our role to that of assuring on an overall basis that stations are engaging in employment practices which are compatible with their responsibilities in the field of public service broadcasting.]

The Supreme Court has spoken favorably of such Commission actions. In *NAACP v FPC*, 425 U.S. 662, 670 n. 7 (1976) the Court observed:

The Federal Communications Commission has adopted regulations dealing with the employment practices of its regulatees * * *. These regulations can be justified as necessary to enable the FCC to satisfy its obligation under the Communications Act of 1934 * * * to ensure that its licensees' programming fairly reflects the tastes and viewpoints of minority groups.

The Commission has taken action on other fronts as well to assure that the needs, interests and problems of a licensee's community (including minorities within that community) are both ascertained and treated in the programming of the licensee. Under our ascertainment requirements⁷ licensees are required to contact community leaders and members of the general public to obtain information about community interests and to present programming responsive to those interests. To aid licensees in these efforts, we have developed a community leader checklist consisting of 20 groupings or institutions which we believe are found in most communities. Reflecting our commitment to the expression of minority viewpoints, we have required that licensees specifically contact minorities in a community as a distinct grouping or institution (among the 20 groupings outlined by the Commission) from which representative leaders are to be drawn. Moreover, the Commission requires that the licensee interview minorities and women within the 19 "non-minority" institutions or groupings which it also expects the licensee to contact as part of its ascertainment procedure.

While the broadcasting industry has on the whole responded positively to

⁵Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees, 54 FCC 2d 354, 358 (1975).

⁶Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees, 60 FCC 2d, 226, 229-230 (1976).

⁷Ascertainment of Community Problems by Broadcast Applicants, 57 FCC 2d 418 (1976).

its ascertainment obligations and has made significant strides in its employment practices, we are compelled to observe that the views of racial minorities⁸ continue to be inadequately represented in the broadcast media.⁹ This situation is detrimental not only to the minority audience but to all of the viewing and listening public. Adequate representation of minority viewpoints in programming serves not only the needs and interests of the minority community but also enriches and educates the nonminority audience. It enhances the diversified programming which is a key objective not only of the Communications Act of 1934 but also of the first amendment.

Thus, despite the importance of our equal employment opportunity rules and ascertainment policies in assuring diversity of programming it appears that additional measures are necessary and appropriate. In this regard, the Commission believes that ownership of broadcast facilities by minorities is another significant way of fostering the inclusion of minority views in the area of programming.

As the Commission's Minority Ownership Task Force Report recounts:

Despite the fact that minorities constitute approximately 20 percent of the population, they control fewer than one percent of the 8,500 commercial radio and television stations currently operating in this country. Acute underrepresentation of minorities among the owners of broadcast properties is troublesome in that it is the licensee who is ultimately responsible for identifying and serving the needs and interests of his audience. Unless minorities are encouraged to enter the mainstream of the commercial broadcasting business, a substantial proportion of our citizenry will remain underserved, and the larger nonminority audience will be deprived of the views of minorities.¹⁰

It is apparent that there is a dearth of minority ownership in the broadcast industry. Full minority participation in the ownership and management of broadcast facilities results in a more diverse selection of programming. In addition, an increase in ownership by minorities will inevitably enhance the diversity of control of a limited resource, the spectrum. And, of course, we have long been committed to the concept of diversity of control because "diversification *** is a public good in a free society, and is additionally desirable where a government licensing system limits access by the public to the use of radio and tele-

vision facilities."¹¹ What is more, affecting programming by means of increased minority ownership—as is also the case both with respect to our equal employment opportunity and ascertainment policies—avoids direct government intrusion into programming decisions.

Hence, the present lack of minority representation in the ownership of broadcast properties is a concern to us. We believe that diversification in the areas of programming and ownership—legitimate public interest objectives of this Commission—can be more fully developed through our encouragement of minority ownership of broadcast properties. In this regard, the Commission is aware of and relies upon court pronouncements on this subject.

The United States Court of Appeals for the District of Columbia observed in *Citizens Communications Center v. FCC*, 447 F. 2d 1201 (D.C. Cir. 1971):

"Since one very significant aspect of the 'public interest, convenience, and necessity' is the need for diverse and antagonistic sources of information, the Commission simply cannot make a valid public interest determination without considering the extent to which the ownership of the media will be concentrated or diversified by the grant of one or another of the applications before it.

As new interest groups and hitherto silent minorities emerge in our society, they should be given the same stake in the chance to broadcast on our radio and television frequencies.¹²

In *TV 9 Inc. v. FCC*, 495 F. 2d 929 (D.C. Cir. 1973), cert. denied, 418 U.S. 986 (1974), the Court again dealt with the issue of minority ownership. In reversing a decision where the Commission had refused to award merit to an applicant in a comparative proceeding based upon minority ownership and participation the Court emphasized:

It is consistent with the primary objective of maximum diversification of ownership of mass communications media for the Commission in a comparative license proceeding to afford favorable consideration to an applicant who, not as a mere token but in good faith, as broadening community representation, gives a local minority group media entrepreneurship ***.

We hold only that when minority ownership is likely to increase diversity of content, especially on opinion and viewpoint, merit should be awarded.

The fact that other applicants propose to present the views of such minority groups in their programming, although relevant, does

¹¹Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 394 (1965).

¹²447 F. 2d at 1213 n. 36.

not offset the fact that it is upon ownership that public policy places primary reliance with respect to diversification of content, and that historically has proved to be significantly influential with respect to editorial comment and the presentation of news.¹³

The Court made plain that minority ownership and participation in station management is in the public interest both because it would inevitably increase the diversification of control of the media and because it could be expected to increase the diversity of program content.¹⁴

The Commission has acted in accordance with these judicial expressions. Its Review Board has afforded comparative merit to applicants for construction permits where minority owners were to participate in the operation of the station.¹⁵ The Commission itself has ordered the expedited processing of several applications filed by applicants with significant minority ownership interests.¹⁶

Nevertheless, the continuation of an extreme disparity between the representation of minorities in our population and in the broadcasting industry requires further Commission action.¹⁷ Accordingly, in issuing this statement of policy, we today endorse our commitment to increasing significantly minority ownership of broadcast facilities.

To implement our policy we initiate the first of several steps we expect to consider in fostering the growth of minority ownership.

In conjunction with our customary examination of assignment and transfer applications,¹⁸ we intend to examine such applications where a sale is proposed to parties with a significant

¹³495 F. 2d at 937-38 [emphasis added].

¹⁴As the Court observed in a subsequent opinion: "The entire thrust of *TV 9* is that Black ownership and participation together are themselves likely to bring about programming that is responsive to the needs of the black citizenry, and that that reasonable expectation without 'advance demonstration' gives them relevance." *Garrett v. FCC*, 168 U.S. App. D.C. 266, 273, 513 F. 2d 1056, 1063 (1975), 1056, 1063 (D.C. Cir. 1975) [footnote omitted].

¹⁵*Flint Family Radio, Inc.* 41 P&F Radio Reg. 2d 1155 (1977); *Gainesville Media, Inc.*, 42 P&F Radio Reg. 489 (1978).

¹⁶*Atlas Communications, Inc.* (WJPC), 61 FCC 2d 995 (1976); *Hagadone Capital Corporation*, FCC 78-123, 42 P&F Radio Reg. 2d 632 (1978); *Letter to Messrs. L. Glaser and Francis E. Fletcher, Jr.* FCC 78-167, adopted February 22, 1978; *Letter to Ken Goodman*, FCC 78-279, adopted April 20, 1978; *Letter to Terry E. Tyler*, FCC 78-280, adopted April 20, 1978.

¹⁷For a general treatment of the growth of Black-owned radio, see *Bachman, Dynamics of Black Radio*, (1977).

¹⁸See section 310(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b).

⁸For purposes of this statement, minorities include those of Black, Hispanic Surnamed, American Eskimo, Aleut, American Indian, and Asiatic American extraction.

⁹See Federal Communications Commission's Minority Ownership Task Force, Minority Ownership Report (1978); U.S. Commission on Civil Rights, *Window Dressing on the Set* (1977); See also the Kerner Report, supra at 207, 208, 210.

¹⁰Minority Ownership Report, supra.

minority interest to determine whether there is a substantial likelihood that diversity of programming will be increased. In such circumstances, we will make use of our authority to grant tax certificates¹⁹ to the assignors or transferors where we find it appropriate to advance our policy of increasing minority ownership.²⁰ A similar proposal was advanced to us by the National Association of Broadcasters and has won the endorsement of, among others, the Carter Administration, the American Broadcasting Co., General Electric Broadcasting Co. and the National Black Media Coalition.

Moreover, in order to further encourage broadcasters to seek out minority purchasers, we will permit licensees whose licenses have been designated for revocation hearing, or whose renewal applications have been designated for hearing on basic qualification issues, but before the hearing is initiated, to transfer or assign their licenses at a "distress sale" price²¹ to applicants with a significant minority ownership interest, assuming the proposed assignee or transferee meets our other qualifications.

While we normally permit distress sales when the licensee is either bankrupt or physically or mentally disabled, there is precedent for such sales based on other grounds. See e.g. *Radio San Juan*, 29 P&F Radio Reg. 2d 607 (1974). The avoidance of time consuming and expensive hearings will more than compensate for any diminution in the license revocation process as a

¹⁹Under 26 U.S.C.A. section 1071, the Commission can permit sellers of broadcast properties to defer capital gains taxation on a sale whenever it is deemed "necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by, the Commission with respect to the ownership and control of radio broadcasting stations * * *." Originally tax certification was used to remove the hardship of involuntary transfer as a result of divestiture imposed by the Commission's multiple ownership rules. Now, however, tax certificates are routinely approved in voluntary sales as an incentive to licensees to divest themselves of communications properties grandfathered under the multiple ownership rules. *Issuance of Tax Certificates*, 19 P&F Radio Reg. 2d 1831 (1970).

²⁰We currently contemplate issuing a certificate where minority ownership is in excess of 50 percent or controlling. Whether certificates would be granted in other cases will depend on whether minority involvement is significant enough to justify the certificate in light of the purpose of the policy announced herein.

²¹In order to provide incentive for broadcasters opting for this approach, we would expect that the distress price would be somewhat greater than the value of the unlicensed equipment, which could be realized even in the event of revocation. See *Second Thursday Corporation*, 22 FCC 2d 515 (1970) recon. granted 25 FCC 2d 112 (1970); *Northwestern Broadcasting Corporation* (WLTH), 65 FCC 2d 66 (1977).

deterrent to wrongdoing. We contemplate grants of distress sales in circumstances similar to those now obtaining except that the minority ownership interests in the prospective purchaser will be a significant factor. The parties involved in each proposed transaction will be expected to demonstrate to us how the sale would further the goals on which we are today basing the extension of our distress sale policy. All such transactions will be scrutinized closely to avoid abuses.

The Congressional Black Caucus has petitioned for rulemaking to permit distress sales to minorities. While we endorse the goal of such a proposal we have concluded that cases should be reviewed as they arise to determine that the objectives of our policies will be met. Consequently, for the present a rigid rule on such sales will not be adopted.

Applications by parties seeking relief under our tax certificate and distress sale policies can be expected to receive expeditious processing.

We are keenly aware that the first steps we announce today do not approach a total solution to the acute underrepresentation problem. They are made possible because proposals raising these issues have been submitted to us and these proposals, the collective comments received thereon, and the findings of our Minority Ownership Task Force provide us with a compelling record upon which to base our action.

Beyond the steps taken today, we intend to examine, among other things, the recommendations set forth in the Minority Ownership Report. Also, while the immediate area of concern of this statement has been broadcasting, it is expected that in the future attention will also be directed towards improving minority participation in such services as cable television and common carrier. Finally, as was concluded in our Minority Ownership Report, if the goal of significant minority ownership is to be reached, Congress, other governmental agencies, and the private sector must join in these efforts. We welcome petitions for rulemaking or other submissions from concerned parties as to other actions we might take to reach our objectives.²²

Action by the Commission May 17, 1978. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, White, and Brown.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

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²²For example, while today's actions are limited to minority ownership because of the weight of the evidence on this issue, other clearly definable groups, such as women, may be able to demonstrate that they are eligible for similar treatment.

[6730-01]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY
(OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to part 542 of title 46 CFR.

In addition, notice is also given that the operators indicated by an asterisk (*) have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of section 204 Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to part 543 of title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01428	Ocean Transport & Trading Ltd.: <i>Leonor Maria</i> .
01431	F. Bolton Group Ltd.: <i>Reynolds, Rossetti, Rubens</i> .
01432	David Shipping Inc.: <i>Nephele</i> .
02001	Rederiaktiebolaget Transatlantic: <i>Man-aure V, Man-aure VI, Saint Jacques</i> .
02038	Poljskie Linie Oceaniczne: <i>Smolny, Norwid</i> .
02190	Bugsier Reederel und Bergungs Aktiengesellschaft: <i>Lloyd Sydney</i> .
02195	Welsh Overseas Freighters Ltd.: <i>Welsh Trident, Welsh Endeavour, Welsh Troubadour, Welsh Voyager</i> .
02199	Atlantic Richfield Co.: <i>Arcographite I, Arcographite II</i> .
02233	Nedlloyd Bulk Antillen N.V.: <i>Amstellaaan</i> .
02367	Canadian Pacific (Bermuda) Ltd.: <i>Fort Carleton, Fort Hamilton</i> .
02416	Boland & Cornelius Inc.: <i>Saginaw Bay</i> .
02496	United States Steel Corp.: <i>A1, A2</i> .
02833	Ponte Naya (CIA Maritima) S.A.: <i>Pedro Menendez, Ponte Pasaje, Ponte Pedro</i> .
02836	The Scindia Steam Navigation Co. Ltd.: <i>Jalapati</i> .
02956	Ashland Oil, Inc.: <i>AO 801, AO 802, AO 803, AO 804</i> .
02982	The Shipping Corp. of India, Ltd.: <i>Dadabhai Naoroji, State of Nagaland</i> .
03271	Sealand Service, Inc.: <i>Sea Land Venture, Sea Land Leader, Sea Land Economy</i> .
03276	Universe Tankships, Inc.: <i>Universe Patriot</i> .
03483	Sankyo Kaifu Kabushiki Kaisha: <i>Logistic Ace</i> .
03484	Sanko Kisen K.K.: <i>Kyuko Maru</i> .
03635	Hines Inc.: <i>Hines 433B</i> .
03879	Zapata Haynie Corp.: <i>Grand Cheniere</i> .
04226	National Marine Service Inc.: <i>N.M.S. No. 1408, N.M.S. No. 1409</i> .
04230	James Fisher & Sons Ltd.: <i>Pacific Fisher</i> .
04398	Hapag-Lloyd Aktiengesellschaft: <i>Koeln Express, America Express</i> .
04642	South African Marine Corp. Ltd.: <i>Venture</i> .
04939	Panoccean Anco Ltd.: <i>Anco Endeavour</i> .
05081	United States Dredging Corp.: <i>Magic City II</i> .
05098	Eso Tankers Inc.: <i>Eso Portland</i> .
05199	Prekoekanska Florida: <i>Rumija</i> .
05437	Dow Chemical Co.: <i>NMS 1452, NMS 1457</i> .