

tion runs only to events which are televised live, i.e., televised at the moment that they occur. Therefore, we rule that a broadcast of the race on a delayed basis over conventional television in 1971 would not place any restrictions on release of the Race on a subscription basis in future years, under the present rules.*

PENDING RULE MAKING

10. As previously mentioned, the declaratory ruling made above may be of limited value to Speedway Corporation in arriving at a decision as to whether to permit showing of the Race in 1971 over conventional television because of a pending rule making proceeding in which modifications of the sports rules are proposed. That proceeding was begun by the issuance of a Notice of Proposed Rule Making in Docket No. 18893, on July 1, 1970, 35 F.R. 11040. Under the present rules, it would be possible for the holder of the television rights to a specific sports event to withhold it from conventional televising for 1 year in order to make it eligible for subscription showing thereafter, in the hope of making greater profits from the latter type of showing. To eliminate this possibility, the proposal in Docket No. 18893 would change the rules to provide that an event is not eligible for subscription showing in a community if it has been televised there live on a nonsubscription, regular basis during any one of the 5 years preceding proposed subscription showing. This proposal assumes that while a party might be willing to withhold an event for only 1 year, he might not think of doing so for a period of 5 years.

11. Comments in Docket No. 18893 have been duly filed and are under study by the Commission. Among other suggestions submitted in the comments is a suggestion that antisiphoning protection be given not only to sports events that have been televised live on a nonsubscription, regular basis, but also to events that have been shown on a delayed basis. In support thereof, one party states that some tape-delayed programs are virtually like live broadcasts. To modify the rules so as to give antisiphoning protection to both live and delayed showings is well within the scope of that proceeding, and although we have not made any decisions on the matter and do not here commit ourselves in any way, it is certainly in the realm of possibility that such a modification might be adopted. If this were to occur, then all television stations and CATV systems would be subject to the rules as amended in this respect, as well as in any other respect, and, depending on the circumstances, a 1971 showing of the Race might restrict future release of the Race on a subscription basis.

* Since this ruling concerning the matter of delayed vs. live broadcasts is dispositive of the request of Speedway Corporation, we do not here go into the question of the meaning of the phrase "nonsubscription, regular basis" which appears in the sports rules.

12. In view of the foregoing, we emphasize that the declaratory ruling given herein applies only to the present sports rules and is not to be construed as meaning that the substance of the ruling would apply if the rules are amended in Docket No. 18893 or any other proceeding.

Adopted: May 19, 1971.

Released: May 21, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-7356 Filed 5-25-71; 8:53 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-79; Amendment No. 173-48]

PART 173—SHIPPERS

Transportation of Inhibited Vinyl Fluoride in Cargo Tanks

The purpose of this amendment to the Department's Hazardous Materials Regulations is to change the basis for the minimum filling density for inhibited vinyl fluoride, from a specified quantitative limit, to a limit based on performance standards for the cargo tank in which the commodity is transported.

On February 18, 1971, the Hazardous Materials Regulations Board published Docket No. HM-79; Notice No. 71-6 (36 F.R. 3130), proposing to amend the regulations as stated above. Interested persons were invited to give their views on this proposal.

One commenter suggested an editorial change in the text covering cargo tank holding time. The suggested change would have altered the application of the rule. However, the rule has been rewritten for clarification. Another comment related to the wisdom of authorizing variable holding times for cryogenic vehicles.

The question of the advisability of prescribing standard holding times rather than the variable standard described herein will be taken into consideration in the Board's deliberations leading to establishment of general criteria in the regulations for cryogenic cargo tanks.

It was suggested that the Board delete the last sentence of Note 11, which restricts shipments to "transportation by private or contract carrier by motor vehicle only". Deletion of this sentence was not proposed in the notice. Therefore, it will not be deleted at this time, but the comment will be taken under advisement for future rule making action.

Accordingly, 49 CFR Part 173 is amended as follows:

* Commissioners Bartley and R. E. Lee absent; Commissioner Johnson concurring in the result.

In § 173.315 paragraph (a)(1), Note 11 following the Table is amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *
(1) * * *

Note 11: MC 300 or MC 331 cargo tanks must be insulated. Cargo tanks must meet all of the following requirements. Each tank must be designed for a service temperature no higher than minus 100° F. and must comply with the low-temperature requirements of the ASME Code. The maximum allowable transportation distance before venting will occur, must be that normally accomplished within the holding time of the cargo tank as loaded with an added margin of 100 percent of the normal travel time. However, if the normal travel time exceeds 24 hours, the maximum allowable transportation distance before venting will occur may be that normally accomplished within the holding time of the cargo tank with an added margin of 24 hours. Before transportation in an empty condition, each cargo tank having previously transported inhibited vinyl fluoride must have been drained and vented or blown down sufficiently so that there will be no venting during movement of the empty tank. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

This amendment is effective August 31, 1971, however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 8910835, Title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on May 20, 1971.

ROBERT A. KYE,
Director, Bureau of Motor Car-
rier Safety, Federal Highway
Administration.

[FR Doc. 71-7298 Filed 5-25-71; 8:48 am]

[Docket No. HM-75; Amendment No. 178-17]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Quenching of Steel Cylinders

The purpose of this amendment to the Department's Hazardous Materials Regulations is to permit the quenching of specifications 3AA, 3AAX, 3HT, and 4DA cylinders by suitable fluids other than oil.

On January 23, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-75; Notice 71-2 (36 F.R. 1063), proposing to amend the regulations as stated above. Interested persons were invited to give their views on the proposal. The one comment received supported the proposal but suggested elimination of the molten salt bath option because no one was known to be using this method for heat treatment. Since the Board did not give public notice of any consideration to remove this optional method, it believes it should be the subject of future rule making.

RULES AND REGULATIONS

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Accordingly, 49 CFR Part 178 is amended as follows:

(A) In § 178.37-11, paragraph (a) (1) and (7) are amended; paragraph (a) (8) is added to read as follows:

§ 178.37—Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 178.37-11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, molten salt bath, or other suitable medium except as provided in subparagraph (5) of this paragraph.

(7) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(8) Except as otherwise provided in subparagraph (6) of this paragraph, all cylinders, if water quenched or quenched with a liquid producing a cooling rate in excess of 80 percent of the cooling rate of water, must be inspected by the magnetic particle, dye penetrant or ultrasonic method to detect the presence of quenching cracks. Any cylinder designed to the requirements for specification 3AA and found to have a quenching crack must be rejected and may not be requalified. Cylinders designed to the requirements for specification 3AAX and found to have cracks must have cracks removed to sound metal by mechanical means. Such specification 3AAX cylinders will be acceptable if the repaired area is subse-

quently examined to assure no defect, and it is determined that design thickness requirements are met.

(B) In § 178.44-11 paragraph (a) (1) and (4) are amended; paragraph (a) (5) is added to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44-11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, molten salt bath, or other suitable medium.

(4) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(5) All cylinders must be inspected by the magnetic particle or dye penetrant method to detect the presence of quenching cracks. Any cylinder found to have a quenching crack must be rejected and may not be requalified.

(C) In § 178.58-11, paragraph (a) (1) and (5) are amended; paragraph (a) (6) is added to read as follows:

§ 178.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 178.58-11 Heat treatment.

(a) * * *

(1) All containers must be quenched by oil, molten salt bath or other suitable medium except as provided in subparagraph (4) of this paragraph.

(5) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(6) All cylinders, if water quenched or quenched with a liquid producing a cooling rate in excess of 80 percent of the cooling rate of water, must be inspected by the magnetic particle or dye penetrant method to detect the presence of quenching cracks. Any cylinder found to have a quench crack must be rejected and may not be requalified.

This amendment is effective August 31, 1971, however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

Issued in Washington, D.C., on May 20, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast
Guard, by Direction of Com-
mandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Car-
rier Safety, Federal Highway
Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[FR Doc. 71-7294 Filed 5-25-71; 8:48 am]