recent adoption of § 76.251 of the rules (in the Cable Television Report and Order in Docket No. 18397, 36 FCC 2d 143, released Feb. 3, 1972). That section provides that all cable television systems operating in major market areas—where approximately 70 percent of the American people reside—must, by March 31, 1977, maintain public-access, education-access, and local-government-access nonbroadcast channels, and promptly expand their facilities as needed to meet demand for leased-access nonbroadcast channels; and that "Each such system shall exercise no control over program content on any of th[ese] channels * * *" Although this recent development is not sufficient to alter our basic view regarding the provisions of § 76.501, it does suggest that there may be several more station-system local-cross-ownership situations than we had previously anticipated in which the balance of relevant considerations now weighs in favor of a waiver of the mandatory-divestiture requirement.

49. In paragraph 13 of the Second Report and Order in Docket No. 18397 (issued in July 970), we stated that "we would consider waivers on an ad hoc basis where it is clearly established that a cross-ownership ban would not result in greater diversity, and in footnote 6 we added that "There may, for example, be some sparsely inhabited area where no one is willing to apply for an available broadcast channel except a local CATV operator interested in providing CATV-originated programing to a wider area."

50. It now appears to us that those statements may have actually had the effect of inhibiting, rather than encouraging, the submission of justifiable requests for waiver of the divestiture requirement: there may well be a number of other grounds and circumstances which, if properly argued and substantiated by petitioners, would result in the grant of specific waivers.

51. Accordingly, we invite the filing—within 120 days after the issuance of this memorandum opinion and order—of petitions for waiver of the mandatory-divestiture requirement (fully supported by pertinent facts, views, arguments, and data) from all cross owners et al. of colocated television stations and cable systems who believe that grandfathering would be appropriate in their case. Upon the receipt of a number of such petitions, they will be carefully reviewed by the Commission to enable us to pick out, on a rational and consistent basis, those situations in which the issuance of a waiver (or other appropriate relief) would both serve the underlying objectives of § 76.501 and avoid unnecessary hardship. Where such a waiver is granted, the petitioner's interests in the affected station and cable television facility may not subsequently be transferred to a new joint holder without prior approval of the Commission, upon a showing by the petitioner that such transfer(s) would serve the public interest.

52. It would be premature for the Commission at this time to specify the grounds for waiver which it will find acceptable, or to list the evidence necessary to support such grounds. We will certainly be interested in such aspects as (1) the extent (if any) of financial loss the cross-owner would suffer as a result of mandatory divestiture; (2) the impact of the station-system cross-relationship upon economic competition and diversity of control of media of expression in the service areas of the stations and systems in question; and (3) the quality of service which the system has been providing (in terms of broadcast signal carriage, cablecast programing by the system and others, system technical quality and reliability, etc.), and the extent to which it has been enhanced, or impaired, by the cross-relationship. But this itemization is intended only to be suggestive, and the Commission does not at all assume that it exhausts the possibilities.

53. We recognize, of course, that this process will further extend the period of uncertainty which has existed during the 2-year pendency of the petitions for reconsideration of the Second Report and Order in Docket No. 18397, and accordingly we have also decided to generally extend the grace period for divestiture of prohibited cross ownerships et al. until August 10, 1975.

Accordingly, it is ordered, that the petitions for reconsideration filed in response to the Second Report and Order in Docket No. 18397 are denied in all respects except that indicated below.

In view of the foregoing, and pursuant to authority contained in sections 4(i), 5, and 303(r) of the Communications Act of 1934, as amended, *It is further ordered*, That effective March 2, 1973, § 76.501(b) of the Commission's rules is amended to substitute "August 10, 1975", for "August 10, 1973."

It is further ordered, That the proceeding in Docket No. 18397 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 17, 1973.

Released: January 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-1863 Filed 1-30-73;8:45 am]

[1] Commissioner Robert E. Lee, dissenting, issued a statement filed as part of the original document; Commissioner Hooks, dissenting, issued a statement to be distributed at a later date. Commissioners Reid and Wiley concurred and issued statements, filed as part of the original doctrine.

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—OFFICE OF PIPELINE SAFETY

[Amdt. 195-5; Docket No. OPS-22]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Change of Authority Regarding Safety of Liquid Pipelines

The purpose of these amendments to Part 195 of Title 49 of the Code of Federal Regulations is to reflect changes resulting from Public Law 92-401 which on August 22, 1972, amended section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)), in effect, to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835 and to place it with the Secretary of Transportation.

The Secretary of Transportation on November 7, 1972, delegated the authority with respect to safety of liquid pipelines to the Assistant Secretary for Safety and Consumer Affairs (37 FR 24074, Nov. 18, 1972) and on November 7, 1972, the Assistant Secretary redelegated that authority to the Director, Office of Pipeline Safety (37 FR 24901, Nov. 23, 1972). With the redelegation to the Director, Office of Pipeline Safety, the authority to regulate the safety of liquid pipelines is now vested in the same office that has the authority for the safety of gas piplines. These amendments, accordingly, revise Part 195 to make it consistent with the change in authority.

In substance, this rulemaking action deletes all references to the Administrator, Federal Railroad Administration and adds the definition and necessary references to the Secretary of Transportation. In addition, changes to Subpart B of Part 195, to the extent possible, provide for the administrative handling of accident reports by the Director, Office of Pipeline Safety.

Since these amendments are based on a change in law and reflect changes in departmental organization and delegation of powers and duties made in response thereto which have already become effective, notice and public procedure thereon are impractical and unnecessary and good cause exists for making them effective on less than 30 days notice.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended, effective immediately, as follows:

1. Section 195.2 is amended by deleting the term "Administrator" and the associated definition in its entirety.

2. Section 195.2 is amended by adding the following definition immediately after the definition for "Pipeline system" or "pipeline":

§ 195.2 Definitions.

* * * * *

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

* * * * *

§ 195.3 [Amended]

3. Section 195.3(b) is amended by deleting the words "Docket Room, Room 304, 400 Sixth Street SW." and substituting the words "Office of Pipeline Safety" in place thereof.

§§ 195.6, 195.8, 195.52, 195.260 [Amended]

4. The following sections are amended by deleting the word "Administrator" where appearing and substituting the word "Secretary" in place thereof:

Section 195.6 (as changed by Amdt. 195–1)
Section 195.8 (as changed by Amdts. 195–1 and 195–2)
Section 195.52
Section 195.260(e)

§ 195.54 [Amended]

5. Section 195.54 is amended by deleting the words "Administrator, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.58 [Amended]

6. Section 195.58 is amended by deleting the word "Administrator" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.62 [Amended]

7. Section 195.62 is amended by deleting the words "Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

(Sec. 6(e)(4), Department of Transportation Act, 49 U.S.C. 1655(e)(4), secs. 831–835, title 18, United States Code; § 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); redelegation of authority to Director, Office of Pipeline Safety, in Appendix A to Part 1 of regulations of Office of Secretary of Transportation (49 CFR Part 1))

Issued in Washington, D.C., on January 24, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-1808 Filed 1-30-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-31; Notice 2]

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

The purpose of this notice is to establish a regulation that will require a person who transfers ownership in a motor vehicle to give his buyer a written disclosure of the mileage the vehicle has traveled. The regulation carries out the directive of section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, and completes the provisions of the Act under Title IV, Odometer Requirements.

The regulation was first proposed in a notice published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25727). As a result of numerous comments on the proposal, the regulation as issued today differs in some respects from its initial form.

As stated in the proposal, the agency's goals were to link the disclosure statement as closely as possible to the documents required for transfer of ownership, so that buyers and sellers would know of the need for disclosure, and to do so in a manner that would not introduce an additional document into motor vehicle transactions. The agency therefore proposed the use of the certificate of title as the document for odometer disclosure.

Upon review of the comments, it became evident that in most jurisdictions it would not be feasible to use the title certificate to convey odometer information. The main drawback to its use lies in the prevalence of State laws providing that if a vehicle is subject to a lien, the title is held by the lienholder. As a result, it appears that in a majority of cases private parties selling motor vehicles do not have possession of a certificate of title, and convey their interest by other means.

In those States that permit the owner of a vehicle subject to a lien to retain the title, the lienholder will be unable to make the odometer disclosure on the title if he attempts to sell the vehicle after repossession. In many States, furthermore, the title certificate is not large enough to contain an adequate odometer disclosure, and the existing data processing and filing equipment would not accommodate an enlarged certificate.

There appears to have been some apprehension that the Federal Government intended to compel the States to amend their certificates of title. The Act does not, however, confer any authority over the States in this regard. Even if the regulation were to require transferor disclosure on the title, the States could decline to provide a form for disclosure on the title. This voluntary aspect of the States' participation is a further impediment to the use of the title certificate.

After review of the problems created by the use of the certificate of title, the agency has decided that the purposes of the Act are better served by prescribing a separate form as the disclosure document in most cases. Section 580.4 has been amended accordingly. To avoid the need for duplicate State and Federal disclosures in States having odometer disclosure laws or regulations, the section permits the State form to be used in satisfaction of the Federal requirement, so long as it contains equivalent information and refers to the existence of a Federal remedy.

It should be noted that although the certificate of title is no longer required to be used for disclosure, it can still be used as the disclosure document if it contains the required information and if it is held by the transferor and given by him to the transferee. The basic concept is that the disclosure must be made as part of the transfer, and not at some later time.

In addition to the changes from the proposal represented by the change from the certificate of title to a separate form, there are other differences from the proposal in the regulation. For purposes of convenience, the following discussion treats the amended sections in sequence.

In § 580.3, the proposed definition of transferor might in some jurisdictions include a person who creates a security interest in a vehicle. This type of transaction was not intended to be regulated, and the definitions have been amended accordingly.

In § 580.4, in addition to the changes discussed above, other modifications have been made. In response to a comment suggesting that the disclosure would be made after the purchaser had become committed to buying the vehicle, the order of § 580.4(a) has been rearranged to specify that the odometer disclosure is to be made before the other transfer documents are executed.

The items listed under § 580.4(a) have been increased to allow for additional identification of the vehicle and owner that would be necessary on a separate disclosure document. If the disclosure is a part of another document, however, § 580.4(a)(1) provides that items (2) through (4) need not be repeated if found elsewhere in the document. A number of comments noted that the items under (a) might often be redundant.

A new paragraph (b) has been inserted in § 580.4 to require a reference to the sanctions provided by the Act. No specific form is required, but the inclusion of such a statement is considered essential to notify the transferee of the reason why he is being given the odometer information.

The former paragraph (b) of § 580.4 has been renumbered as (c), and the alternative methods for odometer disclosure discussed above are found as paragraphs (d) and (e).

A new section, § 580.5, has been added in response to a number of comments that objected to the application of the requirements to categories of vehicles for which the odometer is not used as a guide to value. Buses and large trucks, for example, are routinely driven hundreds of thousands of miles, and their maintenance records have traditionally been relied on by buyers as the principal guide to their condition. The NHTSA is in agreement with the position taken by Freightliner, White, and the National Association of Motor Bus Operators, and has therefore created an exemption for larger vehicles. The exemption applies to vehicles having gross vehicle weight ratings of more than 16,000 pounds.

A second category of exempt vehicles has been created for antique vehicles, whose value is a function of their age,