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PART I

(Part II begins on page 12585)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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Title 3—The President

EXECUTIVE ORDER 11600

Establishing a Seal for the Office of Management and Budget

The Director of the Office of Management and Budget has caused to be made, and has recommended that I approve, a seal of Office for the Office of Management and Budget, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

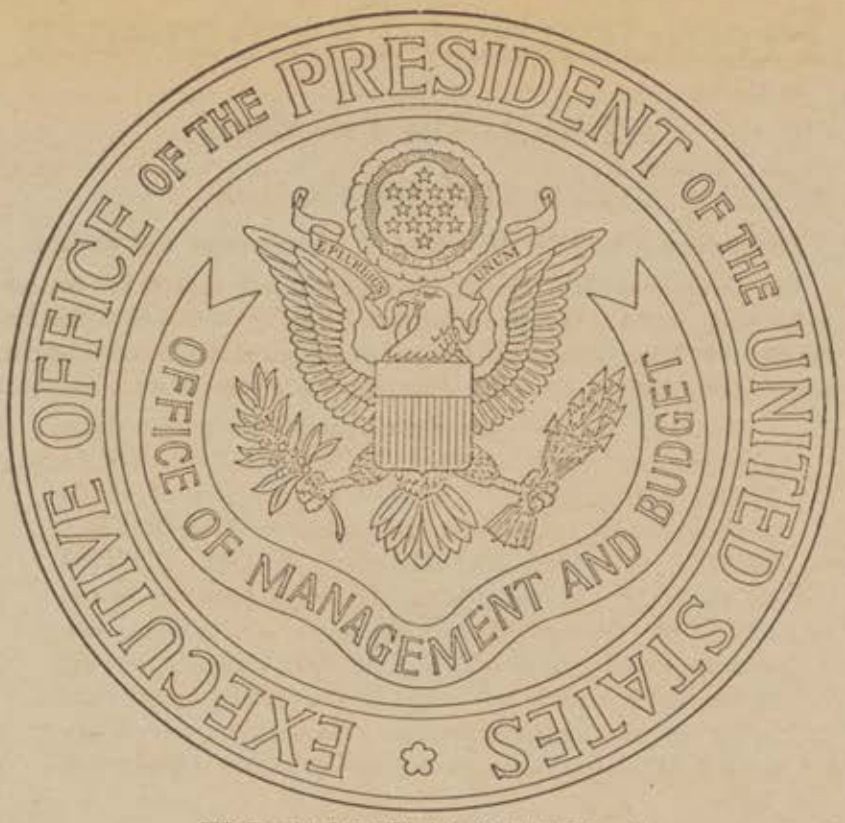
> On a blue disc, the Arms of the United States proper above a curved gold scroll inscribed "OFFICE OF MANAGEMENT AND BUDGET", in black raised letters, all within a white border edged gold and inscribed "EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES", in blue raised letters. Dark blue suggested by the Seal of the President denotes the direct organizational link with the Presidential office. The Arms of the United States refer to the entire Nation and represent the Office's involvement in the organizational and technological processes necessary to assist the President in his role as Chief Executive of the United States.

It appears that such a seal is of suitable design and appropriate for adoption as the official seal of the Office of Management and Budget.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Office of Management and Budget.

Richard Nixon

THE WHITE HOUSE,
June 29, 1971.



[FR Doc.71-9466 Filed 6-30-71;11:56 am]

EXECUTIVE ORDER 11601

Amending Executive Order No. 11390, Providing for the Delegation of Certain Functions of the President to the Secretary of Defense

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, section 1 of Executive Order No. 11390 [1] of January 22, 1968, is amended by adding thereto the following:

"(15) The authority vested in the President by section 6386(c) of title 10, United States Code, to suspend, during a war or national emergency, certain provisions of law relative to the mandatory retirement or separation of officers of the Navy and Marine Corps."

Richard Nixon

THE WHITE HOUSE,
June 29, 1971.

[FR Doc.71-9467 Filed 6-30-71;11:56 am]

[1] 33 F.R. 841; 3 CFR 1968 Comp., p. 92.

EXECUTIVE ORDER 11602

Providing for Administration of the Clean Air Act With Respect to Federal Contracts, Grants, or Loans

By virtue of the authority vested in me by the provisions of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), and particularly section 306 of that Act as added by the Clean Air Amendments of 1970 (Public Law 91–604, approved December 31, 1970), it is hereby ordered as follows:

SECTION 1. *Policy.* It is the policy of the Federal Government to improve and enhance environmental quality. In furtherance of that policy, the program prescribed in this Order is instituted to assure that each Federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each Federal agency empowered to extend Federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act (hereinafter referred to as "the Act").

SEC. 2. *Designation of Facilities.* (a) The Administrator of the Environmental Protection Agency (hereinafter referred to as "the Administrator") shall be responsible for the attainment of the purposes and objectives of this Order.

(b) In carrying out his responsibilities under this Order, the Administrator shall, in conformity with all applicable requirements of law, designate facilities which have given rise to a conviction for an offense under section 113(c)(1) of the Act. The Administrator shall, from time to time, publish and circulate to all Federal agencies lists of those facilities, together with the names and addresses of the persons who have been convicted of such offenses. Whenever the Administrator determines that the condition which gave rise to a conviction has been corrected, he shall promptly remove the facility and the name and address of the person concerned from the list.

SEC. 3. *Contracts, Grants, or Loans.* (a) Except as provided in section 8 of this Order, no Federal agency shall enter into any contract for the procurement of goods, materials, or services which is to be performed in whole or in part in a facility then designated by the Administrator pursuant to section 2.

(b) Except as provided in section 8 of this Order, no Federal agency authorized to extend Federal assistance by way of grant, loan, or contract shall extend such assistance in any case in which it is to be used to support any activity or program involving the use of a facility then designated by the Administrator pursuant to section 2.

SEC. 4. *Procurement, Grant, and Loan Regulations.* The Federal Procurement Regulations, the Armed Services Procurement Regulations, and, to the extent necessary, any supplemental or comparable regulations issued by any agency of the Executive Branch shall, following consultation with the Administrator, be amended to require, as a condition of entering into, renewing, or extending any contract for the procurement of goods, materials, or services or extending any assistance by way of grant, loan, or contract, inclusion of a provision requiring compliance with the Act and standards issued pursuant thereto in the facilities in which the contract is to be performed, or which are involved in the activity or program to receive assistance.

SEC. 5. *Rules and Regulations.* The Administrator shall issue such

rules, regulations, standards, and guidelines as he may deem necessary or appropriate to carry out the purposes of this Order.

SEC. 6. *Cooperation and Assistance.* The head of each Federal agency shall take such steps as may be necessary to insure that all officers and employees of his agency whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the provisions of this Order. In addition to any other appropriate action, such officers and employees shall report promptly any condition in a facility which may involve noncompliance with the Act or any rules, regulations, standards, or guidelines issued pursuant to this Order to the head of the agency, who shall transmit such report to the Administrator.

SEC. 7. *Enforcement.* The Administrator may recommend to the Department of Justice or other appropriate agency that legal proceedings be brought or other appropriate action be taken whenever he becomes aware of a breach of any provision required, under the amendments issued pursuant to section 4 of this Order, to be included in a contract or other agreement.

SEC. 8. *Exemptions—Reports to Congress.* (a) Upon a determination that the paramount interest of the United States so requires—

(1) The head of a Federal agency may exempt any contract, grant, or loan, and, following consultation with the Administrator, any class of contracts, grants or loans from the provisions of this Order. In any such case, the head of the Federal agency granting such exemption shall (A) promptly notify the Administrator of such exemption and the justification therefor; (B) review the necessity for each such exemption annually; and (C) report to the Administrator annually all such exemptions in effect. Exemptions granted pursuant to this section shall be for a period not to exceed one year. Additional exemptions may be granted for periods not to exceed one year upon the making of a new determination by the head of the Federal agency concerned.

(2) The Administrator may, by rule or regulation, exempt any or all Federal agencies from any or all of the provisions of this Order with respect to any class or classes of contracts, grants, or loans which (A) involve less than specified dollar amounts, or (B) have a minimal potential impact upon the environment, or (C) involve persons who are not prime contractors or direct recipients of Federal assistance by way of contracts, grants, or loans.

(b) Federal agencies shall reconsider any exemption granted under subsection (a) whenever requested to do so by the Administrator.

(c) The Administrator shall annually notify the President and the Congress of all exemptions granted, or in effect, under this Order during the preceding year.

SEC. 9. *Related Actions.* The imposition of any sanction or penalty under or pursuant to this Order shall not relieve any person of any legal duty to comply with any provision of the Act.

SEC. 10. *Applicability.* This Order shall not apply to contracts, grants, or loans involving the use of facilities located outside the United States.

Richard Nixon

THE WHITE HOUSE,
June 29, 1971.

[FR Doc.71-9468 Filed 6-30-71;11:56 am]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1971 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1971. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1971):

Title		Price
1		$1.00
3	1970 Compilation	1.00
4		.50
5		1.75
6	[Reserved]	
7	Parts:	
	0–45	2.75
	46–51	1.75
	52	3.00
	53–209	3.00
	210–699	2.00
	700–749	2.00
	750–899	1.25
	900–944	1.75
	945–980	1.00
	981–999	1.00
	1000–1029	1.25
	1030–1059	1.00
	1060–1089	1.25
	1090–1119	1.25
	1120–1199	1.50
	1200–1499	2.00
	1500–end	2.50
8		1.00
9		2.00
10		1.75
11	[Reserved]	
12	Parts:	
	1–299	2.50
	300–end	2.50
13		1.25
14	Parts:	
	1–59	3.00
	60–199	2.75
	200–end	3.00
15		1.75
16	Parts:	
	0–149	3.00
	150–end	2.00
17		2.75
18	Parts:	
	1–149	2.00
	150–end	2.00
19		2.50
20	Parts:	
	01–399	1.25
	400–end	3.00
21	Parts:	
	1–119	1.75
	120–129	1.75
	130–146e	2.75
	147–end	1.50
22		1.75
23		.50
24		2.75
25		1.75
26	Parts:	
	1 (§§ 1.0–1—1.300)	3.00
	1 (§§ 1.301–1.400)	1.00
	1 (§§ 1.401–1.500)	1.50
	1 (§§ 1.501–1.640)	1.25
	1 (§§ 1.641–1.850)	1.50
	1 (§§ 1.851–1.1200)	2.00
	1 (§§ 1.1201–end)	3.25
	2–29	1.25
	30–39	1.25
	40–169	2.50
	170–299	3.50
	300–499	1.50
	500–599	1.75
	600–end	.60
27		.45
28		.75
29	Parts:	
	0–499	1.50
	500–899	3.00
	900–end	1.50
30		2.00
31		2.00
32	Parts:	
	1–8	3.25
	9–39	2.00
	40–399	3.00
	400–589	2.00
	590–699	1.00
	700–799	3.25
	800–999	2.00
	1000–1399	.75
	1400–1599	1.50
	1600–end	1.00
32A		1.25
33	Parts:	
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	200–end	1.75
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35		1.75
36		1.25
37		.70
38		3.50
39		3.25
40	[Reserved]	
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	6–17	3.50
	18	3.25
	19–100	1.00
	101–end	2.00
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	1000–end	2.75
44		.40
45	Parts:	
	1–999	2.00
	200–end	2.00
46	Parts:	
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	66–145	2.75
	146–149	3.75
	150–199	2.75
	200–end	3.00
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	20–69	2.50
	70–79	1.75
	80–end	2.75
48	[Reserved]	
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	1–199	4.00
	200–999	1.75
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Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18261; FCC 71-649]

AVAILABILITY OF CERTAIN LAND MOBILE CHANNELS

Second report and order. In the matter of amendment of Parts 21, 89, 91, and 93 of the rules to reflect the availability of land mobile channels in the 470–512 MHz band in the 10 largest urbanized areas of the United States; Docket No. 18261.

I. PRELIMINARY STATEMENT

1. On January 28, 1971, we issued our Notice of Further Proposed Rule Making in this proceeding, looking toward amendment of our rules to reflect the availability of specific frequencies in the 470–512 MHz band for assignments in the land mobile radio services [1] and, also, proposing technical standards and channel loading criteria to govern the use of those

[1] Land Mobile Use of TV Channels 14–20 (Notice of Further Proposed Rule Making), 27 FCC 2d 371 (1971), 36 F.R. 2407 (Feb. 4, 1971). In the Further Notice (at footnote 4, p. 371), we indicated that there were certain minor procedural matters remaining in conjunction with the show cause proceedings in Dockets Nos. 18863 and 18864 (Further Notice, footnote 4, p. 371), cases involving the allocations for the Chicago and Philadelphia urbanized areas. These have been cleared, and there is no further impediment to the use of those channels in those areas.

frequencies.[3] Comments were requested by March 9, 1971, and reply comments on or before March 19, 1971, and there was response from principal segments of the industry, including all major user groups in the Public Safety, Industrial, Land Transportation, and Domestic Public Land Mobile Radio Services, as well as from equipment manufacturers and suppliers and oragnizations representing television broadcast interests.[3] We have carefully considered the views of all these parties, and, taking them into account, together with matters we have found relevant and important, we adopt, here, the rules we have determined are appropriate for the implementation of our proposal.[4]

II. The Proposal

2. In our First Report and Order,[5] as we have just mentioned, we provided for land mobile use of a total of 12 MHz of the spectrum space in the 470–512 MHz band, but we left for this phase of the proceeding, decisions on matters pertaining to the suballocation of this spectrum space, frequency assignment criteria, and to certain remaining technical standards. Thus, in the Further Notice, we proposed to adopt 25 kHz channeling, rolloff filter requirements, and uniform 3 MHz separation between base and mobile channels, and to limit mobile operation to mobile frequencies only. In addition, we made further departures from the traditional "block" system of frequency allocation and proposed to allocate the new frequencies in eight "pools," grouping together, for purposes of sharing, those users having the greatest degree of functional and operational compatibility, and to establish frequency loading and assignment criteria. Additionally, we announced our intention to reserve for future allocation 24 frequency pairs. Specifically, the proposed distribution of the 120 pairs of frequencies derived from each of the two available 6 MHz segments of spectrum space in the 470–512 MHz band was as follows:

Group designation	Number of frequency pairs	Eligibility (services)
Public Safety Pool	34	All Part 89 Services, except Special Emergency and State Guard Services.[1]
Utility Pool	5	Power and Telephone Maintenance Radio Services.
Special Industrial	9	Special Industrial Radio Service.
Business Pool	22	Business Radio Service.[2]
Taxicab Pool	4	Taxicab Radio Service.
Land Transportation Pool.	14	All Part 93 Services, except Taxicab Radio Service.
Petroleum-Manufacturers Pool.	8	Petroleum, Manufacturers and Forest Products Radio Services.
Domestic Public Radio Services Pool.	12	Non-wire-line common carriers.
Reserve Pool A	6	
Reserve Pool B [3]	6	
Total allocated	108	
Total reserved	12	
Total allocated and reserved	120	

[1] With respect to the exceptions, we pointed out in the Further Notice that eligibles in the State Guard Radio Service would have frequencies available to them to the extent that they were engaged in "local government" functions, since the latter entities were being given access to the Public Safety Pool. With regard to the Special Emergency Radio Service, we observed that entities eligible there would, to a large extent, have access to the Business Pool or to the Public Safety Pool, depending on whether they were engaged in local government operations or involved in activities for which radio facilities were available in the Business Service. Land Mobile Use of TV Channels 14–20, supra, footnote 1, at page 374, footnote 10.

[2] No specific provision was made for the Motion Picture and Relay Press Radio Services. However, we pointed out that, as commercial enterprises, users in those services could employ allocations in the Business Pool. Land Mobile Use of TV Channels 14–20, supra, footnote 1, at page 374, footnote 11.

[3] We said that Reserve Pools A and B were to be treated as "unallocated" frequencies and were to be used "at a latter date" to meet the needs for additional frequencies in the various land mobile services as those needs become known. However, access to the reserve pool frequencies was not extended to eligibles in the Domestic Public Radio Services, because our initial allocation to those services, 24 frequency pairs, was premised on the nature of common carrier services and the belief that it would not be practical to meet their future needs through the use of reserve frequencies "pooled" for shared use with private systems. Therefore, we allocated the full complement of frequencies from the 12MHz of spectrum which was avilable for the purpose and held none in reserve for consideration of their relative needs with those of users in the private services. Land Mobile Use of TV Channels 14–20, supra, footnote 1, at page 374, footnote 12.

Additionally, we proposed to permit reuse of cochannel frequencies at separations between base stations of 40 miles or more, and the proposed channel loading criteria for the several user groups were set as follows:

	Units
Public Safety	50
Business and Taxicab Pool	90
All other, except Domestic Radio Services Pool	[1] 70

[1] We noted that the "loading standards" controlling the use of channels in the private services would not apply to common carrier operations authorized in the Domestic Public Radio Services because of the nature of those operations and the scheme of regulation applicable to them. Land Mobile Use of TV Channels 14–20, supra, footnote 1, at page 376.

In connection with these loading criteria, we proposed to define the term "unit" as "one vehicular mobile unit" or four "hand-carried transmitter-receivers."[6]

3. In addition to these matters, we invited comments on the need for designating some of the available channels for special uses, that is, for one-way paging, tone signaling and for cardiac telemetry systems. Finally, we asked for comments on our plan to require frequency coordination of assignments in this band and on our proposal that this be carried out by a single coordinating entity for each pool in each of the 10 named urbanized areas.

4. There was general agreement on the "pooling" approach and the user groups to share the frequencies in each pool; on the proposed 25 kHz channeling and rolloff filter requirements; and on our plan to employ 3MHz spacing between base and mobile operating frequencies; and it was agreed in principle that coordination of the assignments should be required. However, a number of parties opposed certain aspects of the rule making, namely, the planned prohibition of mobile operation on base station frequencies, establishment of the two "reserve pools," adoption of the proposed "loading criteria" and the "40-mile cochannel reuse standard," and the possible designation of frequencies for "special uses" (paging, tone signaling, and cardiac telemetry systems.) Questions were also raised with respect to our proposal to allocate a total of 24 pairs of frequencies to radio common carriers and as to the limitations proposed on the availability of these frequencies. We will discuss those features of our rule making which were opposed in our opinion, following.

[3] In our First Report and Order, Land Mobile Use of TV Channels 14 through 20 (Docket No. 18261), 23 FCC 2d 325 (1970), we adopted rules which provided for the use of two of the lower seven UHF channels for land mobile stations within 50 miles of the center of each of the 10 largest urbanized areas and, in addition, we adopted technical standards, designed principally to protect existing UHF TV facilities, but coincidentally to set limits on power and antenna height for land mobile operations. The pertinent provisions were set out at Appendices C, D, E, and F of the First Report and Order, and they were to be incorporated into Parts 21, 89, 91, and 93 of the rules at an appropriate later date. We take that action at this time, and the referenced rule provisions are included in Appendix B.

With respect to the mentioned technical standards, those adopted in the First Report and Order, LMCC, SIRSA, EIA, API, NAM, and NABER, among others, ask that we reexamine and revise them to permit the use of powers and antenna heights other than those we decided upon, and, additionally, that we devise simpler methods for computing antenna power gain and antenna height above average terrain (AAT). These requests go beyond the scope of the Further Notice, and even assuming they do fall within its purview, consideration of them would substantially delay our decision on the suballocations. None of the parties want this, and, accordingly, we will not modify any of the referenced technical criteria now.

[3] The parties filing comments and reply comments are listed at Appendix A which is filed as part of the original document. Throughout this document, where convenient, we will refer to them by the designations given in the appendix.

[4] Those rules which are derived and adopted out of the matters under consideration in the Further Notice are set forth at Appendix B.

[5] Op. cit., footnote 2, supra.

[6] In our Further Notice (*Op. cit.*, footnote 1, supra, at page 376, paragraph 14), we advised that the loading standards would be applied, not in terms of the number of mobile units authorized, rather in terms of units "actually in use" or "to be placed in use within 8 months following licensing." NCAPCO, commenting on this, said that "8 months to put mobiles in use is not a good criterion" because it "allows a great amount of time during which the planning and implementation of additional units could somehow collapse for any number of acceptable valid reasons." We find this point is well taken, and we will revise our proposal to include a requirement that the licensee notify us, either during or at the close of the 8-month period, of the number of units in operation.

III. THE BASE-MOBILE LIMITATION

5. There was general opposition to our proposal to prohibit mobile operation on base station frequencies. While APCO acknowledged that "it might facilitate closer spacing of base station facilities," that organization, as well as others (EIA, IACP, NCAPCO, NAM, NABER, and UTC), argued that this, as a purported advantage, was offset by the fact that "it would substantially reduce communications system design flexibility now available to radio users," and that it would prevent "direct mobile-to-mobile communications" in situations where such methods of operation were necessary.

6. The purpose of the limitation was, of course, to eliminate or curtail interference potentials between relatively low power mobile stations and high power base stations. Nevertheless, we are persuaded by the arguments of the parties to adjust our proposal to meet the objectives they seek to advance. Consequently, we will eliminate the restriction. In taking this action, however, we want to point out that mobile units operating on base station frequencies will be subject to greater interference than if they were to operate on mobile station frequencies alone; and that, while we are modifying the standard in accordance with the views of the parties, we will not consider the greater interference involved in this method of operation in establishing the base station separation criterion, discussed, below, or in carrying out our frequency assignment processes.[7]

IV. THE RESERVE POOLS

7. As shown, above, we proposed to allocate 12 frequency pairs (600 kHz) in each 6-MHz UHF TV channel in two separate reserve pools, with Reserve Pool A positioned between the Public Safety and Utility Pools and Reserve Pool B between frequencies allocated in the Special Industrial and the Business Pools. While there was some support for this plan, most parties opposed it. In general, they felt that the reserve pools were a "luxury" the land mobile services could not afford. This position was shared by APCO, LMCC, EIA, UTC, SIRSA, NABER, ITA, and others; and these parties argued, along this vein, that the needs of the various user groups were urgent and immediate, and that the allocations were not sufficient overall to meet them, concluding that the 24 pairs set aside in these pools ought to be allocated among the several user groups without any further delay.[8] They contended, however, that should we decide to retain the reserve pools, then, under no circumstances, should access to these pools have to await further rule making, and that eligibles should be given the opportunity to apply for and use them, preferably on the basis of a showing of need and approval by the appropriate coordinating committee. UTC additionally suggested that in the event the pools be retained, some provision should be made to prevent their rapid absorption by users in the "fast growing services," leaving nothing or little for the high priority services which "may not have as rapid a growth rate."

8. While we understand and appreciate the position these parties take, we believe that the better course to follow is to keep the two reserve pools and, also, to adhere to our plan to make reserve frequencies available to users or user groups only after consideration of requests in rule making. It appears to us desirable to retain some measure of flexibility in the plan in order to be able to meet those requirements which are not now known, but which will develop as the available frequencies are placed in use. In this connection, we anticipate that these needs will not necessarily be the same everywhere, the probability being, rather, that they will vary among the several user groups from one region to another. Beyond this, we will be able to take advantage of the experience gained in determining whether our initial apportionment among the several groups was correct and in deciding what entities should be given additional relief. With channels reserved, adjustments in allocation in the various land mobile services can be made easier than if all of the available space were previously allocated. Moreover, with such further allocations made through the rule making process, all persons affected, including those associated with the slower developing, but higher priority, services will be afforded a full opportunity to present their views and thus to prevent the type of inequity UTC specifically asks us to guard against.[9]

V. THE LOADING CRITERIA

9. *In general.* As we mentioned, a number of the parties questioned our proposal to adopt frequency loading criteria for the 470–512 MHz band. Their oppositions were directed to our plan to use "fixed" frequency assignment standards, generally, as well as to the proposed 40-mile separation between cochannel base stations, to the 50/70/90 units-in-use standards, and to the proposed 4–1–1 portable vehicular ratio.[10] We will consider each of these aspects of our proposal, and the objections raised to them, in the text following.

10. *The 50/70/90 "units-in-use" standard.* The opposition to our loading proposal centered about what the parties considered to be the "inflexibility" of the criteria in determining whether an additional channel was to be assigned. According to them (EIA, APCO, IACP, IMSA, LMCC, UTC, API, NAM, NABER, SIRSA, and others) "more" should be involved in decisions of this nature, with consideration given to such factors as "the number and size of systems" sharing a given frequency pair; the type of "traffic" to be handled over the desired facilities; the "nature" of the "activity" of the licensee for which radio would be used, that is, whether a police or fire department, or utility, contrasted in this respect to a business or commercial

[7] As part of its showing, AAA stressed the fact that auto clubs, eligible to use frequencies allocated in the Land Transportation Pool, employ in most instances, single frequency simplex mode of operation. Consequently, the planned base-mobile limitation would have resulted in problems for these users. However, with our plan modified, the potential difficulties AAA notes no longer obtain, and it will now be possible for auto club licensees to expand their systems using the new frequencies in a manner compatible with the methods of communication they currently employ.

[8] A number of parties have called attention to what they feel are inadequacies in the allocations, contending that the frequencies made available are not sufficient to bring about meaningful relief for the land mobile services. Some urged immediate expansion of our decision in the First Report and Order to meet requirements in other urbanized areas, mentioning, specifically, Seattle, St. Louis, Houston, and Dallas. Others suggested outright reallocation of the lower seven UHF–TV channels, claiming that only in this way could the actual needs of the land mobile services be properly and reasonably met. These matters were specifically considered in our First Report and Order and are clearly beyond the scope of the Further Notice. Accordingly, for the present, our decision on these points will not be changed or expanded.

[9] A number of parties have suggested that some, or all, of the reserve frequencies be made available at this time for certain specific purposes. ARINC wants six pairs allocated from one of the reserve pools for use at airports to meet the "recognized needs of air terminal service." AAA asks for two pairs for use, on an exclusive basis, by auto clubs; and NAM proposes that "paging" operations be accommodated on them, pointing out that we could, in this way, avoid the use of any of the other "pool" allocations. One party asks that some reserve frequencies be earmarked for future use in emergency ambulance operations (NCAPCO), and another suggests that they be held for exclusive use by police (State of Michigan, Office of Criminal Justice Programs). These as well as other alternative proposals similar in nature must be rejected. We do so on the basis of the strong conviction we have that the public interest will be served best by maintaining the integrity of the reserve pools and allocating frequencies within them only in accordance with the procedures, and for the objectives, outlined in the preceding text.

[10] Additionally, in their comments objecting to the proposal, a number of parties (LMCC, ATA, API, and NAM) have posed a series of problems relating to the manner in which the loading standards are to apply in practice. We will address ourselves to these question areas, but we believe this can be done best in connection with an example of the way the new technical standards and assignment and loading criteria are to be employed in particular factual situations, and, for this purpose, and illustrative case is included as Appendix C which is filed as part of the original document.

enterprise. It was argued, for example, that separate frequencies were often needed in the Police Service for "stake outs," other forms of surveillance, and riot control, and that, when used for such purposes, it was not feasible to employ them for "traffic" and other types of routine police work. In addition, in the Fire Radio Service, according to IMSA, separate channels are required for "fire ground communications," as distinguished from regular fire radio dispatch operations.

11. Additionally, some parties questioned the "number of units" proposed, e.g., 50 units for police operations and 70 for "petroleum" users, saying that it should not exceed "20 to 30" units per channel in the Police Service and that it should be something less than 70 in the case of "petroleum" users. Others felt the standard could be higher, SIRSA indicating that, in the Special Industrial Pool, it could have been set above 70 units. Still others, AAA, for example, insisted that our choice of criteria was "totally unrealistic." [11] In general, these parties do not believe that a "fixed" standard should apply. They ask, rather, that any criteria adopted be used as a "guideline" only and that any final determination as to whether a "second" or a "third" or any additional pair is to be assigned in any given situation be based on the circumstances presented in that case, with the frequency coordinator deciding when "local conditions" warrant assignments exceeding those called for by the proposed criteria. However, the circumstances under which local coordinators would make those decisions were not spelled out.

12. If the described course were followed, it would, as a practical consequence, eliminate use of the loading criteria on any consistent basis and, in effect, substitute for them case-by-case determinations as to whether a second, a third, or any additional channels are to be assigned, and, also, the "degree" of occupancy to be required. This approach defeats the underlying objectives of the criteria. It prevents establishment of objective levels of occupancy for the 470–512 MHz band frequencies and, just as importantly, denies to potential users a measure by which they can determine whether a frequency is available and what to expect in terms of the degree to which sharing will be required.

13. In addition, the use of channel loading criteria is essential to the "pooling" approach to frequency allocation. While loading criteria are desirable under all circumstances involving shared use of individual channels it is imperative for full implementation of the "pool" concept. The importance of guidelines under which users can judge what to expect in terms of access, interference conditions, and, in general, the potential of the channel involved to serve their respective communications needs, cannot be overemphasized. Although the ultimate requirements will unquestionably be more sophisticated and more complicated, the "units-in-use" criterion is the only one available at this time. Moreover, the specific loading standards proposed for the various pools are generally in line with the standards now used in assigning frequencies in the various radio services. We believe they are reasonable, and we will adhere to them.

14. This does not mean that there might not be some special circumstances in which a second or third channel might be made available, even though a prior assignment was not "fully" occupied. However, we are of the opinion that needs of the kinds enumerated in the comments should be accommodated on frequencies available to the licensee in other bands. In light of the foregoing discussion, we will maintain the 50/70/90 "units-in-use" channel loading criteria.[12]

15. *The 4-to-1 portable/vehicular radio.* Most parties did not favor the proposed ratio of 4-to-1 for hand-carried to vehicular mobile units. APCO, API, for example, and others state that, in many systems, the hand-carried units generate as much traffic as mobiles in vehicles. EIA views the standard as not realistic, believes it should be 1-to-1, while APCO, arguing that the 4-to-1 ratio should not be adopted, asks, in the event we affirm the proposal, that "new portables," those capable of being removed from vehicles and carried by police officers when they leave their patrol cars, be counted as vehicular, and not as hand-carried units.[13] Representatives of other user

[11] AAA wanted "special criteria" to apply to auto clubs in determining the number of channels to be made available to such users in sharing the Land Transportation Pool frequencies. This request must be rejected. While we appreciate fully the position of AAA in this matter, and although we acknowledge that statistics of the kind quoted have been accepted on prior occasions as a basis for permitting lighter channel loading than required of licensees in the same class, in the context of this rule making they do not establish a proper basis for differentiating between auto clubs and other entities entitled to share the use of frequencies allocated in the Land Transportation Pool. Thus, motor carriers and railroads, eligible in this pool, must be accommodated on an equitable basis with auto clubs, and we can see no reason why a different standard should apply in their case than in that of persons represented by the AAA. Furthermore, AAA has failed to take into consideration the fact that the radio spectrum being made available in the 470–512 MHz band to the land mobile radio services is in addition to that previously allocated, and that it must be recognized that these allocations were not designed to, and will not in every case, afford all of the relief any given class of user may feel is necessary or required. It is added space, and from it the land mobile radio services will receive some measure of assistance in meeting their needs for expanded systems for radio communication. To the degree, then, that auto clubs are able to participate in the shared use of the "pooled" frequencies, they will be able to improve their present systems' capacities; but they cannot expect that their full requirements, as they view them, will be met. That, although a desirable objective, may not be possible in the spectrum space available. Accordingly, AAA's suggestions on this point cannot be adopted. However, as we noted previously, they will be able to operate simplex, in view of our modification of the planned prohibition of mobile use of base station frequencies.

[12] Other parties suggested that we adopt a number of variations in our channel loading plan. AMST, for example, urged that the proposed loading criteria be made to apply to the existing land mobile allocations; that use of the new 470–512 MHz frequencies be permitted only upon a showing that present assignments are "fully" occupied in accordance with these criteria; and that, in the Public Safety Pool, applications be accepted only where composite systems are proposed, those designed by the applicant to meet multiple needs of several classes of users eligible in that pool. The California Communications Division feels that it would be advantageous if currently used frequencies in other bands were released when users move to channels in the 470–512 MHz band, and argued that, if this were required, some measure of relief for the smaller communities, situated in areas adjacent to the large urban complexes, would result. Still another suggestion (API) is that different loading criteria apply when more than one licensee shares the same frequencies, for, it is contended, in such circumstances it will be inherently more difficult to accommodate the required number of "units-in-use" than where a channel is occupied by a single user. Finally, AMST asks that the Commission use its mobile monitoring facility, shifting it from one region to another, to gather data on channel occupancy and employ that data in making frequency assignments in addition to, and in conjunction with, the proposed loading criteria. For the most part, these recommendations are refinements and extensions of our proposal; and we do not believe it practical to modify it to accommodate them. We would point out, however, that we did not intend that applicants for the new band would not be required to make the usual showing in conformity to existing policy and practices as a condition precedent for assignment of additional radio facilities. In short, we will require parties, if licensees, to show, in accordance with present practices, the need for an added channel as a condition to gaining access to the 470–512 MHz band. Once authorized in this band, however, the pertinent loading criteria, designed to control its use, will apply. Should a licensee desire to use the new band and propose to release a present assignment, he will be permitted to do so. But we will not require release of existing frequency assignments as a condition to entry into the new band, other than as just mentioned. This would be in contravention of one of the fundamental purposes of this proceeding, namely, to make additional channels available to meet those requirements of licensees which are not being satisfied by or through the allocations currently available. As to AMST's suggestion that our monitoring van be utilized in carrying out our proposed channel loading techniques and that we require composite systems in the Public Safety Pool, we find these recommendations not practical at this time and they will not be adopted. Nor will we adopt API's proposal that different loading standards be used when a channel is being shared by more than one licensee, since such consideration has already been taken into account in formulating the proposed loading criteria. Accordingly, except to the extent indicated, these recommendations and suggestions are rejected.

[13] We agree that units of this type should be considered as vehicular units rather than portables in applying our loading criteria, and this suggestion will be followed.

groups generally share these views and they also ask that we not adopt this 4-to-1 ratio.

16. These arguments are not convincing. We note that none of the parties offered any facts, based on existing operational experience, to show that portables generate as much traffic as vehicular units. We think experience shows otherwise. Vehicular units have inherently greater range and the ability to respond over much greater distances. It follows, in our opinion, that they generate more traffic and have a correspondingly greater need for system access. Indeed, in a number of existing large systems, notably police systems in large cities, many more portables are accommodated in a single channel than vehicular units. These factors considered, we think it reasonable to conclude that the loading factor should be something more in the case of portables, and, giving weight to the operational characteristics mentioned (range, mobility, relative power and the types of situation vehicular units can and are equipped to respond to), we find the 4-to-1 ratio reasonable.

17. Further, we think it desirable to take into account the fact that in most areas, particularly in the Public Safety Services, the number of portables in service will exceed, by a substantial margin, the number of vehicular units. Thus, in the large urbanized complexes, where hand-carried units are being employed in the hundreds, one, two, or, perhaps, three jurisdictions (local governments, police, fire, highway maintenance licensees) could easily absorb the total complement of frequencies in the Public Safety Pool, if we were to establish a loading standard of 50 units and assume equivalence of portables and vehicular units. Thus, quite apart from technical considerations, the ratio prescribed is expected to achieve a degree of balance in potential access to the new frequencies for smaller users. On these grounds, then, we have decided not to modify the proposal, and we adopt the 4-to-1 ratio of portable to vehicular mobile units.

18. *The 40-mile reuse criterion.* There was also general opposition to the 40-mile reuse criterion. LMCC contends that it is an arbitrary standard which fails to take into consideration variations in individual requirements of the several land mobile services or the characteristics of the different geographic areas in which licensees will operate their systems. EIA suggests that "reliability of coverage" and not "mere range" should be the norm, and IMSA feels that the 40-mile restriction cannot be employed in regions such as the "Northeast Corridor" where there are situated numerous municipalities, separated by short distances, in which high gain antennas are frequently used. The California Communications Division says the criterion is not valid in mountainous terrain, while NAM stresses the importance of taking into account such added factors as "transmitter power," "antenna height and gain," "message time" and "waiting time" as appropriate considerations in deciding proper station separation, and APCO suggests that base station spacing is a matter best left to "local determination," where multiple factors and conditions can be taken into account. APCO would accomplish this through the responsible coordinating committee.

19. We do not disagree with a number of the observations made by the parties. For example, we feel it might be better to consider such things as power and antenna height, local terrain features, and these factors should be considered by a licensee in designing his system. But the 40-mile separation was not intended to be a standard under which there would be no cochannel interference. Rather, it is designed as a reasonable frequency assignment criterion to assist in establishing uniform and predictable loading of the frequencies in the 470–512 MHz band and to provide a suitable but not absolute measure of the degree of usage of frequencies assigned within a 40-mile radius. We recognize that, depending on the terrain, the degree of interference will vary, but in most cases this separation is compatible with the propagation characteristics in the band in question; with the limitations on the maximum power and antenna heights allowed; and with the two frequency mode of operation envisioned by our proposal. Of course, in those situations in which maximum facilities are not allowed, the 40-mile separation will be more than adequate.[14] Further, it should be kept in mind that the frequencies in this band may be used only within a radius of 50 miles from the center of any of the 10 largest urban areas. Experience shows that the vast majority of the base stations will probably be located near the center, so that there will not be great probability of reuse of any given channel within these urbanized areas. All factors considered, then, we find no reason to modify our plan, and, accordingly, we adhere to the 40-mile reuse criterion, and adopt it.

VI. Special Uses and Coordination

20. *Special uses.* In our notice, we asked for the views of interested parties on the desirability of designating, on an exclusive basis, some of the available frequencies for paging purposes and to possible authorization of "tone signaling" in this band, particularly on frequencies allocated to those pools which include persons who have unique requirements for this mode of operation. Also, we invited comments on possible use of these allocations for the transmission of data on the condition of cardiac patients en route to hospitals in emergency vehicles, as proposed by the County of Los Angeles in RM–1712.[15] The parties responding gave little support to any of these propositions. In the main, while they thought such uses desirable and, in certain instances, believed they should be authorized, they did not feel any of them had uniform applicability to all of the land mobile services. Thus, some suggested that paging requirements be accommodated locally, i.e., upon approval by the local coordinating committee, while others felt these modes of operation should be permitted, but on a secondary basis, only, with a few parties urging that they be authorized on one or more of the reserve pool frequencies. In general, however, the weight of opinion was against specific designation of any of these frequencies for exclusive use for any one of the mentioned functions.

21. In particular, SIRSA suggests that some special uses might be accommodated with low power (3 watts or less) on 12.5 kHz "offset" frequencies, subject to coordination requirements. NABER believes such decisions would best be left to the committee responsible for coordination of the frequencies available in each pool, while AAR recommends that "tone signaling" be permitted, but on the same basis as now allowed in the several services in accordance with existing rules. ARINC also wants such uses treated in the same manner as present land mobile frequency allocations, but adds that channels in the 470–512 MHz band should also be subject to rules and policies adopted in the proceedings in Docket No.

[14] In fact, we believe that the 40-mile limitation will restrict unnecessarily the reuse of frequencies where the maximum permissible effective radiated power and antenna height are severely limited, as in the use with Channel 15 in Chicago, Channel 20 in Philadelphia, and Channel 17 in Washington, D.C. In these three urban areas we have established a separation criterion of 20 miles for stations to operate within the 6-MHz segments of the spectrum space comprising the television channels mentioned, and we feel this is feasible.

[15] Based on the opposing views expressed in the comments, and the fact that use of the 470–512 MHz frequencies for cardiac alert purposes involves considerations which necessarily go beyond those which can be disposed of appropriately in the context of this proceeding, we have decided not to make any of these channels available for this purpose at this time. However, we have the matter under active study and believe a decision as to it can be arrived at relatively soon. Therefore, to the extent that the petition seeks specific frequency allocation in this band for cardiac telemetry purposes, it is denied.

19086.[16] ITA and others believe that if special uses are to be authorized and channels made specifically available for these purposes, such must be on frequencies other than those allocated in the service pools, because, as they see it, those allocations are inadequate even to accommodate normal voice communications requirements.

22. We, of course, did not propose to allocate any of the frequencies specifically for special purposes but asked the parties for their views as to the desirability of taking such action. Since the comments filed in the main recommended against such allocation, we are convinced that it would be inappropriate to designate the "pool" frequencies for the mentioned purposes. Accordingly, none of the 470–512 MHz channels will be made available for paging, tone signaling or cardiac telemetry. However, as we mentioned above, these frequencies will be available for special uses to the extent this is permissible under existing rules.

COORDINATION

23. In the Further Notice, we proposed to employ, to the extent possible, existing coordination procedures in carrying out assignment processes. Most of the parties favored this approach, but with some reservations. As to coordination in the Utility, Special Industrial, Business,[17] and Taxicab Pools, the plan gave rise to no special problems. This was also so in the case of the Land Transportation Pool, where representatives of the groups to share these frequencies, AAR, ATA, and AAA, have a tentative plan for the purpose. However, these organizations did suggest that we not require coordination to be carried out by separate entities in "each" of the 10 areas involved, but that we permit it to be done at the national level, at least in those instances in which it can be shown that it can be conducted efficiently and effectively in that way. As to this, we see no reason why a coordinating committee, functioning at the national level, should not be approved, and this variation will be allowed.

24. As to coordination of assignments for the Petroleum-Manufacturers Pool, API felt it should be handled simply by extending existing procedures to the new band. To the degree that this can be done in a manner compatible with our proposal, it will be satisfactory. However, to the extent API's plan does not recognize the need for a single entity coordinating the assignments for the Petroleum-Manufacturers Pool, it will not be approved.

25. Organizations representing public safety user groups oppose a single coordinating committee for the Public Safety Pool. APCO wants us to retain "existing procedures" for the new frequencies, and IMSA believes any plan for single coordination of all of the allocations in the Public Safety Pool would disrupt its system in the Fire Radio Service. The same view was expressed by the Massachusetts Committee on Law Enforcement and Administration of Criminal Justice, by the Indiana Chapter of the APCO, and by other existing coordinating groups in the Public Safety Services. Their contentions, we think, do not give proper weight to the fact that "pooling" arrangements and the corresponding use of loading criteria require the keeping of uniform records of all users, their station location, and the number of "units-in-use," among other data. These functions, it seems to us, must be carried out under the direction of some central representative organization, and we do not believe they could be performed efficiently, except by a single committee, coordinating the assignments in each service pool. If alternative procedures were permitted, like those suggested by the parties, confusion and error could easily result and the coordination process, necessarily, would take appreciably longer. Accordingly, we will adhere to our plan to require coordination to be carried out by a single coordination committee. However, as we have indicated, we will not require that this be done locally, where it is shown that it can be handled effectively by a national committee. Rules to implement this proposal are adopted here. Also, as we said in our Further Notice, persons will be permitted to make an alternative showing to coordination and rules to cover this authorized procedure are being adopted, too.

26. Finally on this subject, we invite requests from qualified groups and organizations for recognition as the coordinating committee for each of the respective pools. To qualify, the proposed committee must furnish a full statement of qualifications, together with the details of the methods it plans to follow in carrying out its duties and responsibilities. We will recognize only one coordinator for each pool in each area, or, where it is demonstrated that this function can be carried out effectively, we will recognize a national committee representing all regions for any one of the pools. Requests for such recognition should be filed within 45 days from the date of publication of this report and order in the FEDERAL REGISTER. Authority to consider such requests and to grant recognition as the official coordinating committee is delegated to the Chief, Safety and Special Radio Services Bureau, and all such requests should be directed to that official.

VII. THE DOMESTIC PUBLIC RADIO SERVICE ALLOCATIONS

27. Parties[18] addressing the proposed allocation of 12 frequency pairs per UHF–TV channel to nonwireline common carriers (RCC's) generally confined their comments to (1) the need for the allocation; (2) an apparent need for exclusive one-way signaling reservations; (3) the limitation with respect to new licensees in each market; and (4) the proposed limitation with respect to permissible effective radiated power.

28. *The need for additional channels.* The Utilities Telecommunications Council questions the necessity for allocating 12 pairs per UHF–TV channel to the carriers in light of pending petitions for reconsideration in Docket 18262. UTC suggests that "perhaps" better use of half of these channels could be made by allocating them "among other sharing groups including the Utilities Pool." However, UTC has apparently failed to recognize that in most of the 10 metropolitan areas involved all presently available frequencies allocated to the RCC's are either fully occupied or have been applied for and that there are waiting lists of potential customers which cannot be accommodated at this time. Regardless of any action taken with respect to Docket 18262 it is clear that there is a pressing near-time requirement for additional frequencies to alleviate the immediate needs of common carriers in all metropolitan areas. Accordingly, we do not

[16] We wish to clarify this point by making clear the policy we will follow in this connection. We will allow the 470–512 MHz band frequencies to be used for purposes, and in ways, presently authorized under the existing rules governing the several land mobile radio services. This will permit tone and impulse signaling in certain instances. For example, such modes of operation are contemplated under the provisions of § 91.252 (e) and (f) in the Power Radio Service, and, consequently, they will be allowed on frequencies allocated in the Utility Pool. In general, then, except where existing rules are in conflict with those we are adopting to govern and control the assignment and use of frequencies in this band, all current regulations will continue to apply. In addition, UTC has asked that the provisions of §§ 91.252 (b), (c), and (d) and 91.302(b) be extended to the new band. From what we have just said, it should be clear that we do not deem it necessary to take special action to accomplish that objective. Further in this regard, ARINC asks that the rules adopted out of the proceeding in Docket No. 19086, which looks toward expanded use of tone signaling on all land mobile frequencies, be made to apply to the new allocations in the 470–512 MHz band. It is our intention that they shall. In summary, then, if a special use or manner or mode of operation is now authorized, either specifically under a particular rule provision or even as a matter of practice or administrative policy, that use, manner and mode of operation will be permitted on the new frequencies, except in those instances where such would be in direct conflict with the rules adopted to govern use of the new band.

[17] ARINC asks that it be recognized as the coordinator for frequencies in the 470–512 MHz band which it has asked be allocated for exclusive use at air terminals. As we have said, such an allocation will not be made. Accordingly, ARINC will not be given recognition as coordinator for that purpose.

[18] See the following list:
Airsignal International, Inc. (Airsignal).
American Telephone & Telegraph Co. (A.T. & T.).
Business & Professional Men's Exchange (Business & Professional).
Chicago Communication Service, Inc. (Chicago Communication).
Davis Electronics Co. (Davis).
National Association of Radiotelephone Systems (NARS).
Radio Broadcasting Co. (RBC).
Utilities Telecommunications Council (UTC).

find that UTC has presented sufficient and persuasive facts which would warrant changing the assignment of 12 channels per frequency pair to the radio common carriers.

29. *One-way signaling.* The comments generally represented that there is an urgent need to recognize the growing importance of one-way signaling services and urge that the Commission make appropriate provision for such services although there is no unanimity of opinion as to how to make this provision. Proposals range from an exclusive allocation of half of the channels as advocated by both Airsignal and Davis to the position of NARS that such "special purpose" designations are undesirable in that they limit the flexibility of RCC's to respond to service demands which may vary from area to area. NARS urges that RCC's in each market should be permitted the freedom to make determinations as to the varied uses to which the available spectrum should be put, consistent with public demand for service and with the state of the art. Business and Professional Exchange and Chicago Communication suggest that at least one exclusive signaling channel should be made available to each licensee in each area. There is no doubt concerning the growing importance of one-way signaling services, both tone only and tone plus voice. The Commission has recognized this trend in allocating exclusive one-way signaling frequencies in the guard band docket (Docket 16778, FCC 68-515). However, recent technological advances appear to indicate that such services may be provided to a significantly larger number of subscribers over existing facilities either by improved signaling techniques on existing one-way frequencies or by use of subaudible techniques on existing radiotelephone channels without adverse effect upon the two-way service. The record in this proceeding is not adequate to make a determination that additional exclusive one-way channels should be made available in the spectrum herein. Accordingly, we take no action at this time with respect to reservation of frequencies for exclusive one-way signaling services. One-way signaling may, of course, be provided on a secondary basis by any facility rendering two-way service on the new frequencies. If eligible licensees in the area under consideration believe that such reservation may be necessary it is suggested that appropriate petitions for rule making be submitted with adequate justification therefor.

30. *Exclusion of new licensees.* The notice of proposed rulemaking indicated our intent to limit the use of the frequencies to those licensees currently authorized to serve the areas involved. NARS supports this position, maintaining that this approach is sound as a matter of regulatory policy. NARS further argues that reasonable barriers to additional entry in certain markets may be necessary in order to preserve workable and effective competition in those markets. Airsignal has objected to the proposed limitation, contending that it would be detrimental to the public in the major urban areas of this country to prevent new carriers from entering into these markets. While we are generally of the view that the preservation of opportunity for additional entry into a market is an important objective of public policy, we also feel that reasonable restrictions to the entry of additional licensees in certain markets might become necessary in order to prevent injury to the public interest by ruinous competition among a multitude of marginally viable carriers. We are persuaded, however, that additional entry by qualified applicants should be permitted on these frequencies in this service because the record in this proceeding does not support the conclusion that ruinous competition would result from open entry at this time. Allowing open entry does not foreclose the Commission from considering on a case by case basis in the future whether the public interest would be adversely affected by such a policy. The fact that we are more than doubling the number of available frequencies also supports the conclusion that it would be inappropriate to limit the new frequencies to existing licensees. Accordingly, the frequencies in this band (470–512 MHz) will be available for assignment to stations of non-wire-line common carriers in the areas specified in Table A of Appendix B without regard to whether they are existing licensees in said areas.

31. *ERP and antenna height limitations.* Several parties responding in this proceeding recommend that the RCCs be given the opportunity to utilize power and antenna heights allowed to other land mobile licensees. This recommendation has merit since cochannel operation of RCC stations will be limited within any of the areas under consideration. Accordingly, we will adopt rules which will permit radio common carriers utilizing frequencies in the 470–512 MHz band to utilize a maximum effective radiated power of 1,000 watts at an antenna height of 500 feet above average terrain in the same manner as permitted other mobile radio services in this Docket. Section 21.504(a) of the rules has been amended to show that the existing field strength contours for the 450–460 MHz frequency band are adopted for the new frequencies in the 470–512 MHz frequency band for determining the limits of reliable service areas of base stations and for determining areas of harmful interference between cochannel stations.

VIII. Alternative Proposals and Miscellaneous Matters and Conclusion

32. A number of alternative proposals were advanced by the parties. Some of these have been mentioned and disposed of, and the remaining ones will be discussed briefly, here. Raytheon asks that we set aside 12 frequency pairs in the Public Safety Pool for use by composite communications and vehicular locator systems.[19] It argues that a composite system of this type can accommodate as many as 2,000 to 4,000 mobiles on 12 channels and, in addition, can be used to provide a variety of information and services not available over a conventional voice system. The city of Los Angeles also asks that provision be made for a system of this kind, because of its potential usefulness and value in modern communication methodology. In contrast, a number of organizations oppose the composite system concept. Some argue that the allocations are not sufficient to permit reservation of enough frequencies to meet the spectrum requirements of facilities of this nature, while others advance the points we will mention below.

33. The type of unified approach Raytheon's system offers may have important potential. However, we believe that allocating frequencies specifically for this purpose in this proceeding would not be appropriate. First, we must agree with those who point out that it will be several years before equipment and system designs of this kind will be perfected and will become acceptable to the degree that they can be marketed on a national level and placed in operation for routine use. Furthermore, there is the incidental problem, mentioned by a few commenting in this area, of getting the cooperation needed between local governments, and other potential users, if such systems are to be shared in any meaningful way. These matters lead us to conclude that the action Raytheon asks would be premature. We feel, as the parties have suggested, that a grant of its request might lead to a virtual freeze on a substantial block of frequencies in the Public Safety Pool for a long period of time, and that this is not warranted where there is no real assurance that such systems could or would be implemented readily. For the present, therefore, specific frequencies will not be designated for this purpose, but we will keep the matter under consideration. Meanwhile, we will entertain specific proposals for systems of the type envisioned by Raytheon, under existing rules, at least for developmental operations.

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[19] The potential requirements for vehicular locator systems in the land mobile radio services is the subject of our inquiry proceeding in Docket No. 18302. Several such systems have been designed, some of which, including one designed by Raytheon, have been authorized for field operations under experimental licenses, and a petition has been filed by Hazeltine Corp. (RM–1734) for frequencies in the 900 MHz region for vehicle locator purposes. Therefore, this general subject will be considered within the context of those proceedings. However, Raytheon's proposal here envisions a total system design in which vehicle location would be an integral part, but which would also include other communications functions as well.

34. UTC has asked, and other parties have suggested, that we adopt provisions to permit vehicular mobile units to be used to relay the transmissions of low-power, hand-carried transmitters, such as is now permitted in the Police (§ 89.307 (f)) and Fire (§ 89.357(e)) Radio Services. We believe such action might be taken, but find it inappropriate to do so in the context of this proceeding. We suggest that any parties desiring to pursue the matter file appropriate petitions setting forth the rule changes they deem desirable. Accordingly, this matter will be left for future consideration.

35. AAR and ATA comments suggest that low power operation be permitted on the 470–512 MHz frequencies. NAM would like to have such operation authorized on 12.5 kHz offset frequencies. The latter approach we must reject, because it is incompatible with the planned close-in use of the frequencies in this band. Operation on offset frequencies is permitted in the 450–470 band, but only within the confines of industrial complexes and in practice this use has been outside the larger urban centers with geographic separations from systems on the regular frequencies not practical here. As to AAR's and ATA's observation, however, we see not reason for not permitting low power use of the assignable frequencies. Such, in fact, will be desirable on those channels on which there are high limits on the power and antenna heights which can be employed, due to the protection requirements for UHF television facilities.

36. ATA asks that two frequency pairs, of those allocated in the Land Transportation Pool, be made available for mobile relay operations. At present, there is no specific provision in the Motor Carrier Radio Service to permit this and, since a number of considerations are involved which we feel can best be disposed of in a separate proceeding, we will not grant this request.

37. AMST has proposed that we abolish the Business Pool or at least restrict its use to those persons who are not eligible in any of the other pools. This, it argues, would eliminate "dual eligibility" and thereby prevent persons from securing a "second" channel without complying with the loading criteria we propose to adopt. The Business Radio Service provides frequencies primarily to those who are not eligible in any other of the land mobile radio services (except Citizens) and abolishing the Business Pool would result in denial of access to frequencies in this band to many licensees and potential licensees who now experience frequency congestion of the highest order. Moreover, even those entities which are eligible in other services must rely on Business frequencies for purposes not authorized in the other services. For example, although a manufacturing company is eligible in the Manufacturers Radio Service, it cannot use the frequencies allocated in that service for the distribution or servicing of its products. For this, the Business frequencies are the only ones available and indeed they are used extensively for such purposes. Thus, the problems posed by AMST, those arising out of "dual eligibility," are largely theoretical, and its requests are denied.

38. The International Bridge, Tunnel and Turnpike Association asks for clarification of the eligibility requirements for use of frequencies allocated in the Public Safety Pool, apparently feeling there is a question as to the right of entities operating toll roads, turnpikes, and bridges to use these frequencies. In clarification, such governmental bodies are considered eligible in the Public Safety Pool in conformity with past practice of treating them as eligible, depending on function, in the Local Government, Police and Highway Maintenance Radio Services.

39. Another matter, in its comments the Illinois APCO observes that "Chicago is a difficult area in that * * * added confusion is found in the statements and interpreted implications of Docket 19150." This refers to our proposal in the latter proceeding to establish a regional frequency management center in the Chicago, Ill., area. In that proposal, the grouping, or categories, into which eligibles in the several services are placed varies considerably from what we are adopting in this rule making, with most of the Channel 14 and Channel 15 spectrum space allocated for use in the Chicago urbanized area being reserved.

40. At the time we issued our Further Notice, we were aware of the differences in the two approaches, but we did not find them necessarily inconsistent. We knew that manifold readjustments in assignments in all of the bands used by the land mobile services would eventually have to be made, if the Docket 19150 proposals were adopted, since the assignment plan advanced in it is not confined to the 470–512 MHz frequencies, but extends to assignments in the 25–50, 150–170, and the 450–470 MHz bands, as well, and whatever rules may be finally adopted in Docket 19150 will apply to all land mobile bands in the Chicago area. However, we think it is desirable to provide the regional center planned for Chicago with a reasonable opportunity to complete development of the planned frequency management tools and to apply them in the assignment of as many of the new frequencies in the 470–512 MHz band as possible before these frequencies are put to use. This is why we proposed in Docket No. 19150 to reserve the bulk of the new frequencies. At the same time, we agree with many of the comments which argued that there are urgent needs for frequencies in the Chicago area that should be accommodated immediately. Therefore, we are modifying the proposals with respect to the availability of the frequencies in the 470–512 MHz band in both proceedings (here and in Docket No. 19150) as follows: First, we will maintain the two "reserve pools" as heretofore described. In addition, we will defer assignment of a number of the allocated frequencies in each service pool, roughly about 45 percent, until the regional program in Chicago is implemented. However, should a demand for these frequencies develop before that time, they will be released for assignment by the Chief, Safety and Special Radio Services Bureau without further rule making proceedings in those cases where it is shown that the frequencies made available earlier are fully occupied in accordance with the assignment standards we are adopting in this proceeding.

41. In the further notice we observed that we had initiated negotiations with Canada with respect to the allocation of Channels 14 and 15 at Cleveland and Channels 15 and 16 at Detroit, and with Mexico with respect to the allocation of Channels 14 and 20 at Los Angeles. While the necessary coordination with these countries has not been completed, we believe, as we indicated at the time, that mutually satisfactory arrangements can be worked out. Of course, until this is done, use of the channels will have to be postponed.

42. In addition, the Commission has issued an order directing Channel 16 of Rhode Island, Inc. (WNET–TV), to show cause why its authorization for Channel 16 in Providence, R.I., should not be modified to specify Channel 64. This proceeding results from the decision of the Court of Appeals for the District of Columbia Circuit in Channel 16 of Rhode Island, Inc. v. Federal Communications Commission, Opinion No. 23,399. Accordingly, Channel 16 is not available now for assignment in Boston.

43. In the light of the foregoing considerations: *It is ordered*, Pursuant to sections 4(i) and 303 of the Communications Act of 1934, as amended, that, effective August 17, 1971, Parts 21, 89, 91, and 93 of the Commission's rules are amended as shown in Appendix B.

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

Adopted: June 16, 1971.

Released: June 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[*]

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

APPENDIX B

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

I. Part 21—Domestic Public Radio Services is amended as follows:

1. Section 21.101(a) is amended to adjust frequency ranges to read as follows:

§ 21.101 Frequency tolerance.

(a) The carrier frequency of each transmitter authorized in these services shall be maintained within the following percentage of the reference frequency except as otherwise provided in paragraph (b) of this section (unless other-

[*] Commissioner Robert E. Lee absent; Commissioner Johnson concurring in the result.

wise specified in the instrument of station authorization the reference frequency shall be deemed to be the assigned frequency):

Frequency range (MHz)	Frequency tolerance (percent)		
	All fixed and base stations	Mobile stations over 3 watts [2]	Mobile stations 3 watts or less [4]
25 to 50	0.002	0.002	0.005
50 to 450	.0005	.0005	.005
450 to 512	.00025	.0005	.0005
512 to 1,000 [3]	.0005	.0005	.005
1,110 to 2,300	.001		
2,450 to 10,500	[4] .03	[4] .03	[4] .03
10,500 to 40,000	.05	.05	.05

[1] Below 512 MHz transmitter plate power input to the final frequency stage, as specified in the Commission's Radio Equipment List. Above 512 MHz transmitter power output, as specified in the Commission's Radio Equipment List.

[2] Beginning June 23, 1969, this tolerance requirement will govern the issuance of all authorizations for radio equipment. However, a frequency tolerance requirement of 0.05 percent will apply until Feb. 1, 1976, to radio equipment which was authorized before June 23, 1969. Licensees of radio equipment not immediately subject to the frequency tolerance requirement of 0.03 percent, and their successors or assignees in business, may continue to use such nonconforming equipment until Feb. 1, 1976: *Provided*, That operation of the nonconforming equipment does not cause interference to the operations of any other licensees: *And, provided further*, That licensees shall take prompt and effective remedial and preventive measures where any problems are or may be caused by the operation of such nonconforming equipment.

[3] Equipment authorized to be operated on frequencies between 890 and 940 MHz as of Oct. 15, 1956, shall be required to maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused to any other radio station.

* * * * *

2. Section 21.107(b) is amended to read as follows:

§ 21.107 Transmitter power.

* * * * *

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

Frequency range (MHz):	*Rated power output*
Below 30	50 watts.
30 to 50	350 watts.
50 to 76	50 watts.
76 to 512	250 watts.[1]
512 to 10,000	100 watts.[2]
Above 10,000	Unlimited.

[1] Transmitter rated power output is limited to a maximum of 25 watts on frequencies in the bands 454.6625–455.000 MHz and 459.6625–460.000 MHz.

[2] As an exception, in the band 5925–6425 MHz, the power delivered by a transmitter to the antenna of a station in the fixed service shall not exceed 20 watts. Additionally, in this band, the maximum effective radiated power of the transmitter and associated antenna of a station in the fixed service shall not exceed +55 db W. These limitations are necessary to minimize the probability of harmful interference to reception in this band on board communication-satellite space stations.

* * * * *

3. Section 21.108(b) is amended to read as follows:

§ 21.108 Directional antennas.

* * * * *

(b) Stations operating below 2,500 MHz (other than base, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service) which are required to use directional antennas shall employ antennas meeting the standards indicated below. (Maximum beam width is for the major lobe of radiation measured at the half power points. Suppression is the minimum attenuation required for any secondary lobe signal and is referenced to the maximum signal in the main lobe.)

Frequency range	Maximum beam width (degrees)	Suppression (dB)
Below 512 MHz	80	10
512 to 1,500 MHz	30	13
1,500 to 2,500 MHz	12	13

4. Section 21.110 (b) and (c) are amended to read as follows:

§ 21.110 Antenna polarization.

* * * * *

(b) Unless otherwise authorized, each station operating on frequencies below 512 MHz (other than base, mobile, dispatch, and auxiliary test stations in the Domestic Public Land Mobile Radio Service, and stations operating in the 72–76 MHz band) shall employ an antenna which radiates a signal, the electrical component of which is horizontally polarized: *Provided, however,* That Rural Subscriber stations communicating with base stations may employ vertical polarization.

(c) Upon a satisfactory showing in each case that improved transmission will result and potentially harmful interference to other radio installations would be reduced, the Commission may authorize a station operating on frequencies below 512 MHz (other than base, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service, and all stations operating in the 72–76 MHz band) to employ an antenna which radiates a signal, the electrical component of which is circularly or otherwise polarized.

* * * * *

5. In § 21.207, the introductory text of (b) is amended to read as follows:

§ 21.207 Transmitter measurements.

* * * * *

(b) The permittee or licensee of each station shall employ a suitable procedure to determine that the power of each transmitter which operates below 512 MHz from a specified fixed location conforms to the requirements of the station authorization and the rules of this part. Where the transmitter is so constructed that a direct measurement of plate current in the final radio stage is not practicable, the power may be determined from a measurement of the cathode current in the final radio stage. When the power is determined from a measurement of the cathode current, the required record entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the power from the measured values. This determination shall be made, and the results thereof entered in the technical log of the station in accordance with the following:

* * * * *

6. Section 21.501 is amended by adding new paragraphs (k) and (l) to read as follows:

§ 21.501 Frequencies.

* * * * *

(k) On a shared basis with television broadcasting, the following frequencies are for assignment to stations of communication common carriers in the area specified in Table A below and not also engaged in the business of providing a public landline message telephone service for general and dispatch communications (provided that signaling communications may also be furnished on a secondary basis by any facility rendering such general or dispatch service):

Base station frequencies (MHz)	*Mobile, dispatch and auxiliary test frequencies (MHz)*
Channel 14	
470.0125	473.0125
470.0375	473.0375
470.0625	473.0625
470.0875	473.0875
470.1125	473.1125
470.1375	473.1375
470.1625	473.1625
470.1875	473.1875
470.2125	473.2125
470.2375	473.2375
470.2625	473.2625
470.2875	473.2875
Channel 15	
476.0125	479.0125
476.0375	479.0375
476.0625	479.0625
476.0875	479.0875
476.1125	479.1125
476.1375	479.1375
476.1625	479.1625
476.1875	479.1875
476.2125	479.2125
476.2375	479.2375
476.2625	479.2625
476.2875	479.2875
Channel 16	
482.0125	485.0125
482.0375	485.0375
482.0625	485.0625
482.0875	485.0875
482.1125	485.1125
482.1375	485.1375
482.1625	485.1625
482.1875	485.1875
482.2125	485.2125
482.2375	485.2375
482.2625	485.2625
482.2875	485.2875
Channel 17	
488.0125	491.0125
488.0375	491.0375
488.0625	491.0625
488.0875	491.0825
488.1125	491.1125
488.1375	491.1375
488.1625	491.1625
488.1875	491.1875
488.2125	491.2125
488.2375	491.2375
488.2625	491.2625
488.2875	491.2875

Base station frequencies (MHz)	*Mobile, dispatch and auxiliary test frequencies (MHz)*
Channel 18	
494.0125	497.0125
494.0375	497.0375
494.0625	497.0625
494.0875	497.0875
494.1125	497.1125
494.1375	497.1375
494.1625	497.1625
494.1875	497.1875
494.2125	497.2121
494.2375	497.2375
494.2625	497.2625
494.2875	497.2875
Channel 19	
500.0125	503.0125
500.0375	503.0375
500.0625	503.0625
500.0875	503.0875
500.1125	503.1125
500.1375	503.1375
500.1625	503.1625
500.1875	503.1875
500.2125	503.2125
500.2375	503.2375
500.2625	503.2625
500.2875	503.2875
Channel 20	
506.0125	509.0125
506.0375	509.0375
506.0625	509.0625
506.0875	509.0875
506.1125	509.1125
506.1375	509.1375
506.1625	509.1625
506.1825	509.1825
506.2125	509.2125
506.2375	509.2375
506.2625	509.2625
506.2875	509.2875

(1) Frequencies in paragraph (k) of this section are for assignment in, or in the vicinity of, the urbanized areas listed in Table A below, subject to the following conditions:

(1) The transmitter site(s) for base station(s) shall be located not more than 50 miles from the geographic center of an urbanized area as defined in Table I below.

(2) Mobile stations shall not be operated beyond 30-mile radii of the associated base station or stations.

(3) Base stations operating on the frequencies available for land mobile use in any listed urbanized area shall afford protection to cochannel and adjacent channel television stations in accordance with the values set out in Tables B and F below, except for Channels 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where protection will be in accordance with the values set forth in Tables C and F below. Base stations shall be located a minimum of 1 mile from local television stations by 2, 3, 4, 5, 7, and 8 TV channels from the television channel in which the base station will operate.

(4) Mobile units operating on the frequencies available for land mobile use in any given urbanized area shall afford protection to cochannel and adjacent channel television stations in accordance with the values set out in Tables F and G below, except for Channels 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where protection will be in accordance with the values set forth in Tables D and F below.

(5) The television stations to be protected in any given urbanized area, in accordance with the provisions of subparagraphs (3) and (4) of this paragraph, are identified in the Commission's publication, "Television Facilities to be Protected by Land Mobile Stations Operating on Frequencies in the 450 through 512 MHz Band." The publication is available at the offices of the Federal Communications Commission at Washington, D.C., or upon the request of interested persons.

TABLE A—FREQUENCY AVAILABILITY FOR LAND MOBILE USE

Urbanized area	Geographic center N. latitude	Geographic center W. longitude	Frequencies (MHz)
Boston, Mass.[1]	42°21'24"	71°03'24"	Channel 14 470-476. Channel 16 482-488.
Chicago, Ill.	41°52'28"	87°38'22"	Channel 14 470-476. Channel 15 476-482.
Cleveland, Ohio.[2]	41°29'51"	81°41'50"	Channel 14 470-476. Channel 15 476-482.
Detroit, Mich.[3]	42°19'48"	83°02'37"	Channel 15 476-482. Channel 16 482-488.
Los Angeles, Calif.[4]	34°03'15"	118°14'28"	Channel 14 470-476. Channel 20 506-512.
New York-Northeastern New Jersey.	40°45'06"	73°59'39"	Channel 14 470-476. Channel 15 476-482.
Philadelphia, Pa.	39°56'58"	75°09'21"	Channel 19 500-506. Channel 20 506-512.
Pittsburgh, Pa.	40°26'19"	80°00'00"	Channel 14 470-476. Channel 18 494-500.
San Francisco-Oakland, Calif.	37°46'30"	122°24'40"	Channel 16 482-488. Channel 17 488-494.
Washington, D.C., Maryland-Virginia.	38°53'51"	77°00'33"	Channel 17 488-494. Channel 18 494-500.

[1] Channel 16 is not available in Boston, Mass., until further order from the Commission.
[2] Channels 14 and 15 are not available in Cleveland, Ohio, until further order from the Commission.
[3] Channels 15 and 16 are not available in Detroit, Mich. until further order from the Commission.
[4] Channels 14 and 20 are not available in Los Angeles, Calif., until further order from the Commission.

TABLE B.—BASE STATION—COCHANNEL FREQUENCIES

(50 db Protection)

Distance in miles from transmitter site of protected UHF television station	Maximum effective radiated power (watts)									
180	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
160	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	800
155	1,000	1,000	1,000	1,000	1,000	875	775	700	625	575
150	1,000	1,000	930	775	725	625	550	500	450	400
145	850	750	650	575	500	440	400	350	320	300
140	600	575	475	400	350	300	275	250	230	225
135	450	400	335	300	255	240	200	185	165	150
130	350	300	245	200	185	160	145	125	120	100
125	225	200	170	150	125	110	100	90	80	75
120	175	150	125	105	90	80	70	60	55	50
	50	100	150	200	250	300	350	400	450	500

Antenna height above average terrain (feet).

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table B, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table B, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table F, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

TABLE C.—BASE STATION—COCHANNEL FREQUENCIES

(40 dB Protection)

Distance in miles from transmitter site of protected UHF television station	Maximum effective radiated power (watts)									
130	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
125	1,000	1,000	1,000	1,000	1,000	1,000	1,000	850	750	725
120	1,000	1,000	1,000	1,000	900	750	675	600	550	500
115	1,000	1,000	800	725	600	525	475	425	375	350
110	850	700	600	500	425	375	325	300	275	225
105	600	475	400	325	275	250	225	200	175	150
100	400	325	275	225	175	150	140	125	110	100
95	275	225	175	125	110	95	80	70	60	50
90	175	125	100	75	50					
	50	100	150	200	250	300	350	400	450	500

Antenna height above average terrain (feet).

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table C, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table C, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table F, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

TABLE D—MOBILE STATION DISTANCE BETWEEN ASSOCIATED BASE STATION AND PROTECTED COCHANNEL TV STATION

(50 dB Protection)

Effective radiated power (watts):	Distance (miles)
200	155
150	151
100	145
50	135
25	125
10	117
5	112

TABLE E—MOBILE STATION DISTANCE IN MILES BETWEEN ASSOCIATED LAND MOBILE BASE STATION AND PROTECTED COCHANNEL TELEVISION STATION

(40 dB Protection)

Effective radiated power (watts):	Distance (miles)
200	130
150	125
100	120
50	115
25	110
10	105
5	100

TABLE F—BASE STATION—ADJACENT CHANNEL FREQUENCIES

Distance in miles from transmitter site of protected UHF television station	Maximum effective radiated power (ERP)									
67	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
66	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	750
65	1,000	1,000	1,000	1,000	1,000	1,000	1,000	825	650	600
64	1,000	1,000	1,000	1,000	1,000	1,000	775	625	500	400
63	1,000	1,000	1,000	1,000	1,000	650	450	325	325	225
62	1,000	1,000	1,000	1,000	525	375	250	200	150	125
61	1,000	1,000	700	450	250	200	125	100	75	50
60	1,000	1,000	425	225	125	100	75	50		
	50	100	150	200	250	300	350	400	450	500

Antenna height above average terrain (feet).

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611, determine the distance between the proposed land mobile base station and the protected adjacent channel television station. If the exact mileage does not appear in Table F, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table F, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined heretofore from Table B or C this lower figure is the maximum power that may be employed at the proposed land mobile base station.

TABLE G—MOBILE STATION DISTANCE IN MILES BETWEEN ASSOCIATED LAND MOBILE BASE STATION AND PROTECTED ADJACENT CHANNEL TELEVISION STATION

Permissible effective radiated power (watts):	Distance (Miles)
200	90
150	90
100	90
50	90
25	90
10	90
5	90

7. Section 21.502 is amended to read as follows:

§ 21.502 Classification of base stations.

Base stations in the Domestic Public Land Mobile Radio Service shall be classified, as set forth below, according to their transmitting antenna height above average terrain in any particular direction and according to their effective radiated power in the horizontal plane of the antenna in that direction. This classification is not applicable to base stations in the frequency bands 454.6625–455.000 MHz, 459.6625–460.000 MHz, and 570–512 MHz.

Antenna height above average terrain (feet)	Class of station				
400 to 500	C	B	B	A	A
300 to 400	C	C	B	B	A
200 to 300	D	C	C	B	B
100 to 200	D	D	C	C	B
0 to 100	E	D	D	C	C
	30	60	120	250	500

Effective radiated power (watts).

8. In § 21.504, the introductory text of (a) is amended to read as follows:

§ 21.504 Service area of base station.

(a) The limits of reliable service area of a base station engaged in two-way communication service with mobile stations are considered to be described by a field strength contour of 31 decibels above 1 microvolt per meter for stations operating on frequencies in the 35.44 MHz band, 37 decibels above 1 microvolt per meter for stations operating on frequencies in the 152–162 MHz band, and 39 decibels above 1 microvolt per meter for stations operating on frequencies in the 450–460 MHz and 470–512 MHz bands. The limits of reliable service area of base station engaged in one-way signaling service is considered to be 43 decibels above 1 microvolt per meter. Service within such areas is generally expected to have an average reliability of not less than 90 percent.

* * * * *

9. In § 21.505, the introductory text is amended to read as follows:

§ 21.505 Antenna height-power limit for base stations.

In view of the fact that the predominant need for mobile communication service can usually be met by base stations within the classification set forth in § 21.502, and because widespread coverage is undesirable in areas where no substantial need exists for mobile communication service through a distant base station, base stations will not be authorized to employ transmitting antennas in excess of 500 feet above average terrain unless the effective radiated power of the base station is reduced below 500 watts by not less than the amount as shown in the chart below entitled "Required Reduction in Effective Radiated Power for Antenna Heights in Excess of 500 Feet Above Average Terrain". This antenna height-power limit does not apply to base stations in the frequency band 470–512 MHz.

* * * * *

10. Section 21.506(a) is amended to read as follows:

§ 21.506 Power limitations.

(a) Stations in this service (other than base stations in the frequency band 470–512 MHz) shall not be permitted to exceed 500 watts effective radiated power and shall not be authorized to use transmitters having a rated power output in

excess of the limits set forth in § 21.107 (b): *Provided, however*, That the effective radiated power of dispatch stations, and auxiliary test stations and base stations operating on frequencies specified in § 21.521 shall not exceed 100 watts: *Provided, further*, That the rated power output of transmitters used on frequencies specified in § 21.521 shall not exceed 25 watts and that the transmitter output power of airborne stations operating on such frequencies shall not be less than 4 watts. A base station standby transmitter having a rated power output in excess of that of the main transmitter of the base station with which it is associated and will not be authorized. For stations in the 470–512 MHz frequency band see section 21.501(1).

* * * * *

11. Section 21.507 (b) and (c) are amended to read as follows:

§ 21.507 Bandwidth and emission limitations.

* * * * *

(b) The maximum authorized bandwidth of emission and, for the cases of frequency or phase modulated emissions, the maximum authorized frequency deviation shall be as follows:

Type of emission	25–50 MHz		50–150 MHz		150–152 MHz	
	Authorized band-width (kHz)	Frequency deviation (kHz)	Authorized band-width (kHz)	Frequency deviation (kHz)	Authorized band-width (kHz)	Frequency deviation (kHz)
A1	1		1		1	
A2	3		3		3	
A3	8		8		8	
F1	3		3		3	
F2	15		15		15	
F3	20	5	[2] 40	[2] 15	[1] 20	[1] 5

[1] In the frequency band 450 to 470 MHz, radio facilities using frequency modulated or phase modulated emission, authorized prior to June 1, 1968, will continue to be authorized with bandwidth of 40 kHz until Nov. 1, 1971, provided that the frequency deviation is reduced to 5 kHz by June 1, 1968.

[2] In the frequency bands 72.0–73.0 and 75.4–76.0 MHz, radio facilities using frequency modulated or phase modulated emission will be authorized with maximum bandwidth of 20 kHz and maximum frequency deviation of 5 kHz. Radio facilities which were authorized for operation on Dec. 1, 1961, in the frequency band 73.0–74.6 MHz may continue to be authorized without change and with bandwidth of 40 kHz and frequency deviation of 15 kHz. New or modified facilities in the frequency band 73.0–74.6 MHz will not be authorized.

(c) On frequencies above 512 MHz, the bandwidth authorized shall not exceed 400 kHz for each derived communication channel and may be restricted to lesser bandwidth when appropriate to the type of operation involved in any particular case.

* * * * *

12. Section 21.508 (a), (d), and (g) are amended to read as follows:

§ 21.508 Modulation requirements.

(a) The use of modulating frequencies higher than 3000 hertz for radiotelephony for tone signaling is not authorized on frequencies below 512 MHz.

* * * * *

(d) When phase or frequency modulation is used for single channel operation on frequencies below 512 MHz, the deviation arising from modulation shall not exceed the limits specified in § 21.507(b).

* * * * * *

(g) Each transmitter which operates on frequencies between 450 and 512 MHz and employs type A3 or F3 emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (e) of this section and also shall be equipped with a low-pass audio filter installed between the modulation limiter and the modulated stage. At audiofrequencies between 3 kHz and 20 kHz, the filter shall have an attenuation greater than the attenuation at 1 kHz by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audiofrequency in kilohertz. At audiofrequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz: *Provided, however*, That in lieu of such filter, transmitters authorized to operate between 450 and 470 prior to June 1, 1968, may continue to operate until November 1, 1971, with a filter meeting the requirements prescribed in paragraph (f) of this section.

* * * * *

PART 89—PUBLIC SAFETY RADIO SERVICES

II. Part 89—Public Safety Radio Services is amended as follows:

1. Section 89.3(c) is amended by adding the following definitions in the appropriate alphabetical order:

§ 89.3 Definitions.

* * * * *

(c) * * *

Antenna height above average terrain (AAT). The average of the antenna heights above the terrain from 2 to 10 miles from the antenna for eight directions spaced evenly for each 45° of azimuth starting with true north. In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above average terrain.

Antenna power gain. The square of the ratio of the root-mean-square free space field intensity produced at 1 mile in the horizontal plane, in millivolts per meter for 1 kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (dB). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

Effective radiated power (ERP). The product of the antenna input power and the antenna power gain. This product should be expressed in watts. (If specified in a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

* * * * *

2. In § 89.15, the introductory text of paragraph (a) and paragraph (b) are amended, paragraph (c) is amended and redesignated as paragraph (b)(3), and a new paragraph (c) is added to read as follows:

§ 89.15 Frequency coordination procedures.

(a) Except for applications from States requesting frequencies in accordance with a geographical assignment plan, applications in the Special Emergency Radio Service, and applications requesting assignment of frequencies in the 27.23–27.28 MHz band or frequencies above 512 MHz, the following applications shall be accompanied by information required by either paragraph (b) or (c) of this section:

* * * * *

(b) For frequencies below 470 MHz:

(1) A report based on a field study indicating the degree of probable interference to existing stations operating on the same channel within 75 miles of the proposed station and a signed statement that all existing cochannel licensees within 75 miles of the proposed station have been notified of applicant's intention to file his application, and

(2) A report based on a field study indicating the degree of probable interference to existing stations located 10 to 35 miles from the proposed station operating on a frequency within 15 kHz and a signed statement that the licensees of all such stations have been notified of applicant's intention to file his application. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent-channel station 15 kHz removed, or

(3) A statement from a frequency advisory committee recommending the specified frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area. The committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The committee shall not recommend any adjacent-channel frequency (15 kHz removed) to existing stations which would result in a separation of less than 10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered

as binding upon either the applicant or the Commission, and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service, and is assignable only after coordination, the Committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

(c) For frequencies between 470–512 MHz:

(1) A report showing that the frequencies applied for are available for assignment in accordance with the applicable loading and separations standards, or

(2) A statement from a frequency advisory committee recommending specific frequencies which are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service involved. The frequency advisory committee must be so organized that it is representative of all persons having access to the specific group of frequencies involved.

* * * * *

3. Section 89.63 is amended by the addition of paragraph (j) to read as follows:

§ 89.63 Supplementary information to be submitted with application.

* * * * *

(j) For frequencies in the band 470–512 MHz, average terrain elevation data, effective radiated power computation and measured or calculated distance to protected television facilities. See § 89.123.

4. In § 89.103(a) the table is amended to read as follows:

§ 89.103 Frequency stability.

(a) * * *

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
MHz	*Percent*	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1] .0005	.0005	.005
450 to 470	[2] .00025	.0005	[3] .0005
470 to 512	.00025	.0005	.0005
Above 950	(3)	(3)	(3)

* * * * *

5. The table in § 89.107(b)(2) is amended to read as follows:

§ 89.107 Emission limitations.

* * * * *

(b) * * *

(2) * * *

Frequency band (MHz)	Authorized bandwidth (kHz)	Frequency deviation (kHz)
25 to 50	20	5
50 to 150	[1] 20	[1] 5
150 to 450	20	5
450 to 470	[1] 20	[1] 5
470 to 512	20	5

* * * * *

6. Paragraph (d) and (i) of § 89.109 are amended to read as follows:

* * * * *

§ 89.109 Modulation requirements.

* * * * *

(d) Each transmitter in the frequency ranges 25 to 50, 150.8 to 162, and 450–512 MHz shall be equipped with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (h) or (i) of this section. The provisions of this paragraph do not apply to transmitters of licensed radiocommunication systems operated wholly within the limits of one or more of the territories or possessions of the United States, or Alaska, or Hawaii.

* * * * *

(i) For stations authorized in the 450–470 MHz band on or after November 1, 1967, and for all stations authorized in the 470–512 MHz band, at audiofrequencies between 3 kHz and 20 kHz, the low-pass filter required by the provisions of paragraph (d) of this section shall have an attenuation greater than the attenuation at 1 kHz by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audiofrequency in kHz. At audiofrequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz. Transmitters authorized in the 450–470 MHz band before November 1, 1967, are not required to comply with the provisions of this paragraph until November 1, 1971.

7. In § 89.111, paragraph (b) is amended to read as follows:

§ 89.111 Power and antenna height.

* * * * *

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, the maximum power that will be authorized is shown in the following tabulation:

Frequency range MHz	Maximum plate power input to the final radio frequency stage (watts)	Maximum effective radiated power (watts)
1.3 to 3	2,000	
3 to 25	1,000	
25 to 100	500	
100 to 470	600	
470 to 512		1,000
Above 950	(1)	(1)

[1] To be specified in the station authorization.

* * * * *

8. A new § 89.123 is added to read as follows:

§ 89.123 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

(a) Frequencies in the band 470–512 MHz are available for assignment at, or in the vicinity of the urbanized areas listed in Table G, below, subject to the following conditions.

(1) The transmitter site(s) for base stations(s) shall be located not more than 50 miles from the geographic center of an urbanized area, as defined in Table G, below.

(2) Mobile units shall not be operated beyond 30-mile radii of the associated base station or stations.

(3) Base stations operating on the frequencies available for land mobile use in any listed urbanized area shall afford protection to cochannel and adjacent channel television stations in accordance with the values set out in Tables A and E, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16, in Detroit, Mich., where protection will be in accordance with the values set forth in Tables B and E, below.

(4) Base and control stations shall be located a minimum of 1 mile from local television stations operating on TV channels separated by 2, 3, 4, 5, 7, and 8 TV channels from the television channel in which the base station will operate.

(5) Mobile units and control stations operating on the frequencies available for land mobile use in any given urbanized area shall afford protection to cochannel and adjacent channel television stations in accordance with the values set out in Tables C and F, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where protection will be in accordance with the values set forth in Tables D and F, below. Control station antenna height may not exceed 100 feet above average terrain.

(6) The television stations to be protected in any given urbanized area, in accordance with the provisions of subparagraphs (3), (4) and (5) of this paragraph, are identified in the Commission's publication, "TV stations to be considered in the preparation of Applications for Land Mobile Facilities in the Band 470–512 MHz." The publication is available at the offices of the Federal Communications Commission at Washington, D.C., or upon the request of interested persons.

(b) Tables:

TABLE A—BASE STATION—COCHANNEL FREQUENCIES

(50 dB Protection)

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance from transmitter site of protected UHF television station. ⟶	Distance in miles	Antenna height in feet (AAT)[1]										The effective radiated power (ERP)* and antenna height above average terrain (AAT) shall not exceed the values given in the table. ⟵
		50	100	150	200	250	300	350	400	450	500	
	162	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
	160	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	800	
	155	1,000	1,000	1,000	1,000	1,000	875	775	700	625	575	
	150	1,000	1,000	950	775	725	625	550	500	450	400	
	145	850	750	650	575	500	440	400	350	320	300	
	140	600	575	475	400	350	300	275	250	230	225	
	135	450	400	358	300	255	240	200	185	165	150	
	130	350	300	245	200	185	160	145	125	120	100	
	125	225	200	170	150	125	110	100	90	80	75	
	120	175	150	125	105	90	80	70	60	55	50	

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table A, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table A, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE B—BASE STATION—COCHANNEL FREQUENCIES

(40 dB Protection)

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance from transmitter site of protected UHF television station. ⟶	Distance in miles	Antenna height in feet (AAT)[1]										The effective radiated power (ERP)* and antenna height above average terrain (AAT) shall not exceed the values given in the table. ⟵
		50	100	150	200	250	300	350	400	450	500	
	130	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
	125	1,000	1,000	1,000	1,000	1,000	1,000	1,000	850	750	725	
	120	1,000	1,000	1,000	1,000	900	750	625	600	550	500	
	115	1,000	1,000	800	725	600	525	475	425	375	350	
	110	850	700	600	500	425	375	325	300	275	225	
	105	600	475	400	325	275	250	225	200	175	150	
	100	400	325	275	225	175	150	140	125	110	100	
	95	275	225	175	125	110	95	80	70	60	50	
	90	175	125	100	75	50						

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table B, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table B, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE C—MOBILE AND CONTROL STATION—DISTANCE BETWEEN ASSOCIATED BASE STATION AND PROTECTED COCHANNEL TV STATION

(50 dB Protection)

Effective radiated power (watts) of mobile unit and control station:	*Distance (miles)*
200	155
150	151
100	145
50	135
25	125
10	117
5	112

TABLE D—MOBILE AND CONTROL STATION—DISTANCE IN MILES BETWEEN ASSOCIATED LAND MOBILE BASE STATION AND PROTECTED COCHANNEL TELEVISION STATION

(40 dB Protection)

Effective radiated power (watts) of mobile units and control station:	*Distance (miles)*
200	130
150	125
100	120
50	115
25	110
10	105
5	100

TABLE E—BASE STATION—ADJACENT CHANNEL FREQUENCIES

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance from transmitter site of protected UHF television station.	Distance in miles	Antenna height in feet (AAT)[1]										The effective radiated power (ERP)* and antenna height above average terrain shall not exceed the values given in the table.
		50	100	150	200	250	300	350	400	450	500	
⟶	67	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
	66	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	750	
	65	1,000	1,000	1,000	1,000	1,000	1,000	1,000	825	650	600	
	64	1,000	1,000	1,000	1,000	1,000	1,000	775	625	500	400	
	63	1,000	1,000	1,000	1,000	1,000	650	450	325	325	225	
	62	1,000	1,000	1,000	1,000	525	375	250	200	150	125	⟵
	61	1,000	1,000	700	450	250	200	125	100	75	50	
	60	1,000	1,000	425	225	125	100	75	50	.....	.....	

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table E, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table E, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined heretofore from Table A or B, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE F—MOBILE AND CONTROL STATION DISTANCE IN MILES BETWEEN ASSOCIATED LAND MOBILE BASE STATION AND PROTECTED ADJACENT CHANNEL TELEVISION STATION

Effective radiated power (watts) of mobile unit of control station:	*Distance (miles)*
200	90
150	90
100	90
50	90
25	90
10	90
5	90

TABLE G—FREQUENCY AVAILABILITY FOR LAND MOBILE USE

Urbanized area	Geographic center N. latitude	Geographic center W. longitude	Frequencies (MHz)
Boston, Mass.[1]	42°21'24"	71°03'24"	Channel 14 470–476. Channel 16 482–488.
Chicago, Ill.	41°52'28"	87°38'22"	Channel 14 470–476. Channel 15 476–482.
Cleveland, Ohio[2]	41°29'31"	81°41'50"	Channel 14 470–476. Channel 15 476–482.
Detroit, Mich.[3]	42°19'48"	83°02'57"	Channel 15 476–482. Channel 16 482–488.
Los Angeles, Calif.[4]	34°03'15"	118°14'28"	Channel 14 470–476. Channel 20 506–512.
New York-Northeastern New Jersey	40°43'00"	73°59'30"	Channel 14 470–476. Channel 15 476–482.
Philadelphia, Pa.	39°56'58"	75°09'21"	Channel 19 500–506. Channel 20 506–512.
Pittsburgh, Pa.	40°26'19"	80°00'00"	Channel 14 470–476. Channel 18 494–500.
San Francisco-Oakland, Calif.	37°46'30"	122°24'47"	Channel 16 482–488. Channel 17 488–494.
Washington, D.C.-Maryland-Virginia.	38°53'51"	77°00'33"	Channel 17 488–494. Channel 18 494–500.

[1] Channel 16 is not available in Boston, Mass., until further order from the Commission.

[2] Channels 14 and 15 are not available in Cleveland, Ohio, until further order from the Commission.

[3] Channels 15 and 16 are not available in Detroit, Mich., until further order from the Commission.

[4] Channels 14 and 20 are not available in Los Angeles, Calif., until further order from the Commission.

(c) Frequencies available for assignment in the Public Safety Radio Services:

Channel 14		Channel 15		Channel 16	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
470.3125 to 471.1375	473.3125 to 474.1375	476.3125 to 477.1375	479.3125 to 480.1375	482.3125 to 483.1375	485.3125 to 486.1375

Channel 17		Channel 18		Channel 19		Channel 20	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
488.3125 to 489.1375	491.3125 to 492.1375	494.3125 to 495.1375	497.3125 to 498.1375	500.3125 to 501.1375	503.3125 to 504.1375	506.3125 to 507.1375	509.3125 to 510.1375

1. The first and last assignable frequencies are shown. Assignable frequencies occur in increments of 25 kHz. The separation between base and mobile transmit frequencies is 3 MHz for two frequency operations.

2. The channel loading is 50 units. A unit is defined as one vehicular mobile unit or four hand-carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more

from the location of base station authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 months period of the number of units in operation.

3. Use of the frequency bands 470.800–471.150 MHz, 473.800–474.150 MHz, 476.800–477.150 MHz, and 479.800–480.150 MHz in the Chicago, Ill., area is deferred until the regional frequency management center is implemented. Should a demand for these frequencies develop before that time they will be released in those cases where it can be shown that those frequencies now available in the band 470–512 MHz are fully occupied in accordance with the assignment standards set out in paragraph 2, above.

(d) Reserve pools: Pending further order by the Commission, frequencies in Reserve Pools A and B will be unavailable for assignment.

RESERVE POOL A

Channel 14		Channel 15		Channel 16	
Base	Mobile	Base	Mobile	Base	Mobile
471.1625 to 471.2875	474.1625 to 474.2875	477.1625 to 477.2875	480.1625 to 480.2875	483.1625 to 483.2875	486.1625 to 486.2875

Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
489.1625 to 489.2875	492.1625 to 492.2875	495.1625 to 495.2875	498.1625 to 498.2875	501.1625 to 501.2875	504.1625 to 504.2875	507.1625 to 507.2875	510.1625 to 510.2875

RESERVE POOL B

Channel 14		Channel 15		Channel 16	
Base	Mobile	Base	Mobile	Base	Mobile
471.6625 to 471.7875	474.6625 to 474.7875	477.6625 to 477.7875	480.6625 to 480.7875	483.6625 to 483.7875	486.6625 to 486.7875

Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
489.6625 to 489.7875	492.6625 to 492.7875	495.6625 to 495.7875	498.6625 to 498.7875	501.6625 to 501.7875	504.6625 to 504.7875	507.6625 to 507.7875	510.6625 to 510.7875

9. Section 89.259 is amended by the addition of the following tabulation in paragraph (f), and paragraph (g) is amended by the addition of new limitation (12).

§ 89.259 Frequencies available to the Local Government Radio Service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
470–512	Base and mobile	12
* * *	* * *	* * *

* * * * *

(g) * * *

(12) Frequencies available in the band 470–512 are listed in § 89.123.

* * * * *

10. Section 89.309 is amended by the addition of the following tabulation in paragraph (g), and paragraph (h) is amended by the addition of new limitation (19).

§ 89.309 Frequencies available to the Police Radio Service.

* * * * *

(g) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
470–512	Base and mobile	19
* * *	* * *	* * *

(h) * * *

(19) Frequencies available in the band 470–512 MHz are listed in § 89.123.

* * * * *

11. Section 89.359 is amended by the following addition in paragraph (f), and paragraph (g) is amended by the addition of new limitation (9).

§ 89.359 Frequencies available to the Fire Radio Service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
470–512	Base and mobile	9
* * *	* * *	* * *

(g) * * *

(9) Frequencies available in the band 470–512 MHz are listed in § 89.123.

* * * * *

12. Section 89.409 is amended by the addition of the following tabulation in paragraph (e), and paragraph (f) is amended by the addition of new limitation (12).

§ 89.409 Frequencies available to the Highway Maintenance Radio Service.

* * * * *

(e) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
470–512	Base and mobile	12
* * *	* * *	* * *

(f) * * *

(12) Frequencies available in the band 470–512 MHz are listed in § 89.123.

* * * * *

13. Section 89.459 is amended by the addition of the following tabulation to the table in paragraph (d), and paragraph (e) is amended by the addition of new limitations (4).

§ 89.459 Frequencies available to the Forestry-Conservation Radio Service.

* * * * *

(d) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
470–512	Base and mobile	4
* * *	* * *	* * *

(e) * * *

(4) Frequencies available in the band 470–512 MHz are listed in § 89.123.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

III. Part 91—Industrial Radio Services is amended as follows:

1. Section 91.3 is amended by adding the following definitions in the appropriate alphabetical order:

§ 91.3 Definitions.

* * * * *

Antenna height above average terrain (AAT). The average of the antenna heights above the terrain from 2 to 10 miles from the antenna for eight directions spaced evenly for each 45° of azimuth starting with true north. In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above average terrain.

Antenna power gain. The square of the ratio of the root-mean-square free space field intensity produced at 1 mile in the horizontal plane, in millivolts per meter for 1 kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

Effective radiated power (ERP). The product of the antenna input power and the antenna power gain. This product should be expressed in watts. (If specified in a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

* * * * *

2. Section 91.8 is amended by revising paragraph (a) (1)(v), (2), and (3) to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(1) * * *

(v) Any application involving a frequency above 512 MHz.

* * * * *

(2) For frequencies below 470 MHz:

(i) A report based on a field study indicating the degree of probable interference to existing stations operating on the same channel within 75 miles of the proposed station and a signed statement that all existing cochannel licensees within 75 miles of the proposed station have been notified of applicant's intention to file his application, and

(ii) A report based on a field study indicating the degree of probable interference to existing stations located 10 to 35 miles from the proposed station operating on a frequency within 15 kHz and a signed statement that the licensees of all such stations have been notified of applicant's intention to file his application. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent-channel station 15 kHz removed, or

(iii) A statement from a frequency advisory committee recommending the specified frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area. The committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The committee shall not recommend any adjacent-channel frequency (15 kHz removed) to existing stations which would result in a separation of less than 10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission, and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service, and is assignable only after coordination, the Committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

(3) For frequencies between 470–512 MHz:

(i) A report based on a field study showing that the frequencies applied for are available for assignment in accordance with the applicable loading and separations standards, or

(ii) A statement from a frequency advisory committee recommending specific frequencies which are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service involved. The frequency advisory committee must be so organized that it is representative of all persons having access to the specific group of frequencies involved.

* * * * *

3. Section 91.58 is amended by the addition of a new paragraph (k) to read as follows:

§ 91.58 Supplemental information to be submitted with application.

* * * * *

(k) For frequencies in the band 470–512 MHz, average terrain elevation data, effective radiated power computation and measured or calculated distance to protected television facilities. See § 91.114.

4. The table in § 91.102(a) is amended to read as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
MHz	*Percent*	*Percent*	*Percent*	*Percent*
Below 25[1]	0.005	0.01	0.01	0.02
25 to 50	.002	.002	.002	.005
50 to 450	[2].0005	.0005	.0005	.005
450 to 470	[2].00025	[2].00025	.0005	[2].0005
470 to 512	.00025	.00025	.0005	.0005
Above 950	(3)	(3)	(3)	(3)

* * * * *

5. The table in § 91.104(b)(2) is amended to read as follows:

§ 91.104 Emission limitations.

* * * * *

(b) * * *

(2) * * *

Frequency band MHz	Authorized bandwidth (kHz)	Frequency deviation (kHz)
25 to 50	20	5
50 to 150	[1] 20	[1] 5
150 to 450	20	5
450 to 470	[2] 20	[2] 5
470 to 512	20	5

* * * * *

6. Paragraphs (f) and (h) of § 91.105 are amended to read as follows:

§ 91.105 Modulation requirements.

* * * * *

(f) Each transmitter which is operated on a frequency in the range 450–512 MHz and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter in accordance with the provisions of paragraph (g) or (h) of this section.

* * * * *

(h) For stations authorized in the 450–470 MHz band on or after November 1, 1967, and for all stations authorized in the 470–512 MHz band, the audio low-pass filter required by the provisions of the preceding paragraphs of this section shall be installed between the modulation limiter and the modulated stage and, at audiofrequencies between 3 kHz and 20 kHz, shall have an attenuation greater than the attenuation of 1 kHz by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audiofrequency in kHz. At audiofrequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz. Stations authorized in the 450–470 MHz band before November 1, 1967, are not required to comply with the provisions of this paragraph until November 1, 1971.

7. The table in § 91.106(b) is amended to read as follows:

§ 91.106 Power and antenna height.

* * * * *

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, the maximum power that will be authorized is shown in the following tabulation:

Frequency range MHz	Maximum plate power input to the final radio frequency stage (watts)	Maximum effective radiated power (watts)
1.6 to 6	2,000	
25 to 100	500	
100 to 216	600	
216 to 220	(1)	(1)
220 to 470	600	
470 to 512		1,000
Above 950	(1)	(1)

[1] To be specified in the station authorization.

* * * * *

8. A new § 91.114 is added to read as follows:

§ 91.114 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

(a) Frequencies in the band 470–512 MHz are available for assignment in, or in the vicinity of, the urbanized areas listed in Table G, below, subject to the following conditions.

(1) The transmitter site(s) for base station(s) shall be located not more than 50 miles from the geographic center of an urbanized area, as defined in Table G, below.

(2) Mobile units shall not be operated beyond 30-mile radii of the associated base station or stations.

(3) Base stations operating on the frequencies available for land mobile use in any listed urbanized area shall afford protection to cochannel and adjacent channel television stations in accordance with the values set out in Tables A and E, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16, in Detroit, Mich., where protection will be in accordance with the values set forth in Tables B and E, below.

(4) Base and control stations shall be located a minimum of one mile from local television stations operating on TV channels separated by 2, 3, 4, 5, 7, and 8 TV channels from the television channel in which the base station will operate.

(5) Mobile units and control stations operating on the frequencies available for land mobile use in any given urbanized area shall afford protection to cochannel and adjacent channel television stations in accordance with the values set out in Tables C and F, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where protection will be in accordance with the values set forth in Tables D and F, below. Control station antenna height may not exceeed 100 feet above average terrain.

(6) The television stations to be protected in any given urbanized area, in accordance with the provisions of subparagraphs (3), (4), and (5) of this paragraph, are identified in the Commission's publication, "TV stations to be considered in the preparation of Applications for Land Mobile Facilities in the Band 470–512 MHz." The publication is available at the offices of the Federal Communications Commission at Washington, D.C., or upon the request of interested persons.

(b) Tables:

TABLE A—BASE STATION—COCHANNEL FREQUENCIES

(50 dB Protection)

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance from transmitter site of protected UHF television station. →	Distance in miles	Antenna height in feet (AAT) [1]										The effective radiated power (ERP)* and antenna height above average terrain (AAT) shall not exceed the values given in the table. ←
		50	100	150	200	250	300	350	400	450	500	
	162	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
	160	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	800	
	155	1,000	1,000	1,000	1,000	1,000	875	775	700	625	575	
	150	1,000	1,000	950	775	725	625	550	500	450	400	
	145	850	750	650	575	500	440	400	350	320	300	
	140	600	575	475	400	350	300	275	250	230	225	
	135	450	400	335	300	255	240	200	185	165	150	
	130	350	300	245	200	185	160	145	125	120	100	
	125	225	200	170	150	125	110	100	90	80	75	
	120	175	150	125	105	90	80	70	60	55	50	

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table A, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table A, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE B—BASE STATION—COCHANNEL FREQUENCIES

(40 dB Protection)

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance from transmitter site of protected UHF television station. →	Distance in miles	Antenna height in feet (AAT) [1]										The effective radiated power (ERP)* and antenna height above average terrain (AAT) shall not exceed the values given in the table. ←
		50	100	150	200	250	300	350	400	450	500	
	130	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
	125	1,000	1,000	1,000	1,000	1,000	1,000	1,000	850	750	725	
	120	1,000	1,000	1,000	1,000	900	750	675	600	550	500	
	115	1,000	1,000	800	725	600	525	475	425	375	350	
	110	850	700	600	500	425	375	325	300	275	225	
	105	600	475	400	325	275	250	225	200	175	150	
	100	400	325	275	225	175	150	140	125	110	100	
	95	275	225	175	125	110	95	80	70	60	50	
	90	175	125	100	75	50						

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table B, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table B, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE C—MOBILE AND CONTROL STATION—DISTANCE BETWEEN ASSOCIATED BASE STATION AND PROTECTED COCHANNEL TV STATION

(50 dB Protection)

Effecti e radiated power (watts) of mobile unit and control station:	Distance (miles)
200	155
150	151
100	145
50	135
25	125
10	117
5	112

TABLE D—MOBILE AND CONTROL STATION—DISTANCE IN MILES BETWEEN ASSOCIATED LAND MOBILE BASE STATION AND PROTECTED COCHANNEL TELEVISION STATION

(40 dB Protection)

Effective radiated power (watts) of mobile units and control station:	Distance (miles)
200	130
150	125
100	120
50	115
25	110
10	105
5	100

TABLE E—BASE STATION—ADJACENT CHANNEL FREQUENCIES

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance transmitter site of protected UHF television station. ⟶	Distance in miles	Antenna height in feet (AAT)[1]										The effective radiated power (ERP)* and antenna height above average terrain shall not exceed the values given in the table. ⟵
		50	100	150	200	250	300	350	400	450	500	
	67	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
	66	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	750	
	65	1,000	1,000	1,000	1,000	1,000	1,000	1,000	825	650	600	
	64	1,000	1,000	1,000	1,000	1,000	1,000	775	625	500	400	
	63	1,000	1,000	1,000	1,000	1,000	650	450	325	325	225	
	62	1,000	1,000	1,000	1,000	525	375	250	200	150	125	
	61	1,000	1,000	700	450	250	200	125	100	75	50	
	60	1,000	1,000	425	225	125	100	75	50	.....		

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table E, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table E, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined heretofore from Table A or B, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging these values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE F—MOBILE AND CONTROL STATION DISTANCE IN MILES BETWEEN ASSOCIATED LAND MOBILE BASE STATION AND PROTECTED ADJACENT CHANNEL TELEVISION STATION

Effective radiated power (watts) of mobile unit or control station:	*Distance (miles)*
200	90
150	90
100	90
50	90
25	90
10	90
5	90

TABLE G—FREQUENCY AVAILABILITY FOR LAND MOBILE USE

Urbanized area	Geographic center N. latitude	Geographic center W. longitude	Frequencies (MHz)
Boston, Mass.[1]	42°21'24"	71°03'24"	Channel 14 470-476. Channel 16 482-488.
Chicago, Ill.	41°52'28"	87°38'22"	Channel 14 470-476. Channel 15 476-482.
Cleveland, Ohio[2]	41°29'51"	81°41'50"	Channel 14 470-476. Channel 15 476-482.
Detroit, Mich.[3]	42°19'48"	83°02'57"	Channel 15 476-482. Channel 16 482-488.
Los Angeles, Calif.[4]	34°03'15"	118°14'28"	Channel 14 470-476. Channel 20 506-512.
New York-Northeastern New Jersey.	40°45'06"	73°59'39"	Channel 14 470-476. Channel 15 476-482.
Philadelphia, Pa.	39°56'58"	75°09'21"	Channel 19 500-506. Channel 20 506-512.
Pittsburgh, Pa.	40°26'19"	80°00'00"	Channel 14 470-476. Channel 18 494-500.
San Francisco-Oakland, Calif.	37°46'30"	122°24'40"	Channel 16 482-488. Channel 17 488-494.
Washington, D.C., Maryland-Virginia.	38°53'51"	77°00'33"	Channel 17 488-494. Channel 18 494-500.

[1] Channel 16 is not available in Boston, Mass., until further order from the Commission.

[2] Channel 14 and 15 are not available in Cleveland, Ohio, until further order from the Commission.

[3] Channels 15 and 16 are not available in Detroit, Mich., until further order from the Commission.

[4] Channels 14 and 20 are not available in Los Angeles, Calif., until further order from the Commission.

(c) Frequencies available for assignment in the Power and Telephone Maintenance Radio Services:

Channel 14		Channel 15		Channel 16	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
471.3125 to 471.4125	474.3125 to 474.4125	477.3125 to 477.4125	480.3125 to 480.4125	483.3125 to 483.4125	486.3125 to 486.4125

Channel 17		Channel 18		Channel 19		Channel 20	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
489.3125 to 489.4125	492.3125 to 492.4125	495.3125 to 495.4125	498.3125 to 498.4125	501.3125 to 501.4125	504.3125 to 504.4125	507.3125 to 507.4125	510.3125 to 510.4125

1. The first and last assignable frequencies are shown. Assignable frequencies occur in increments of 25 kHz. The separation between base and mobile transmit frequencies is 3 MHz for two frequency operation.

2. The channel loading is 70 units. A unit is defined as one vehicular mobile unit or four hand-carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more from the location of base station authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 months period of the number of units in operation.

(d) Frequencies available for assignment in the Petroleum, Forest Products and Manufacturers Radio Service:

Channel 14		Channel 15		Channel 16	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
472.8125 to 472.9875	475.8125 to 475.9875	478.8125 to 478.9875	481.8125 to 481.9875	484.8125 to 484.9875	487.8125 to 487.9875

Channel 17		Channel 18		Channel 19		Channel 20	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
490.8125 to 490.9875	493.8125 to 493.9875	496.8125 to 496.9875	499.8125 to 499.9875	502.8125 to 502.9875	505.8125 to 505.9875	508.8125 to 508.9875	511.8125 to 511.9875

1. The first and last assignable frequencies are shown. Assignable frequencies occur in increments of 25 kHz. The separation between base and mobile transmit frequencies is 3 MHz for two frequency operation.

2. The channel loading is 70 units. A unit is defined as one vehicular mobile unit or four hand-carried transmitter receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more from the location of base station authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 months period of the number of units in operation.

3. Use of the frequency bands 472.800–472.900 MHz, 475.800–475.900 MHz, 478.800–478.900 MHz, and 481.800–481.900 MHz in the Chicago, Ill., area is deferred until the regional frequency management center is implemented. Should a demand for these frequencies develop before that time they will be released in those cases where it can be shown that those frequencies now available in the band 470–512 MHz are fully occupied in accordance with the assignment standards set out in paragraph 2, above.

(e) Frequencies available for assignment in the Special Industrial Radio Service:

Channel 14		Channel 15		Channel 16	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
471.4375 to 471.6375	474.4375 to 474.6375	477.4375 to 477.6375	480.4375 to 480.6375	483.4375 to 483.6375	486.4375 to 486.6375

Channel 17		Channel 18		Channel 19		Channel 20	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
489.4375 to 489.6375	492.4375 to 492.6375	495.4375 to 495.6375	498.4375 to 498.6375	501.4375 to 501.6375	504.4375 to 504.6375	507.4375 to 507.6375	510.4375 to 510.6375

1. The first and last assignable frequencies are shown. Assignable frequencies occur in increments of 25 kHz. The separation between base and mobile transmit frequencies in 3 MHz for two frequency operation.

2. The channel loading is 70 units. A unit is defined as one vehicular mobile unit or four hand-carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more from the location of base station authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 months period of the number of units in operation.

3. Use of the frequency bands 471.525–471.650 MHz, 474.525–474.650 HMz, 477.525–477.650 MHz, and 480.525–480.650 MHz in the Chicago, Ill., area is deferred until the regional frequency management center is implemented. Should a demand for these frequencies develop before that time they will be released in those cases where it can be shown that those frequencies now available in the band 470–512 MHz are fully occupied in accordance with the assignment standards set out in paragraph 2, above.

(f) Frequencies available for assignment in the Business Radio Service:

Channel 14		Channel 15		Channel 16	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
471.8125 to 472.3375	474.8125 to 475.3375	477.8125 to 478.3375	480.8125 to 481.3375	483.8125 to 484.3375	486.8125 to 487.3375

Channel 17		Channel 18		Channel 19		Channel 20	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
489.8125 to 490.3375	492.8125 to 493.3375	495.8125 to 496.3375	498.8125 to 499.3375	501.8125 to 502.3375	504.8125 to 505.3375	507.8125 to 508.3375	510.8125 to 511.3375

1. The first and last assignable frequencies are shown. Assignable frequencies occur in increments of 25 kHz. The separation between base and mobile transmit frequencies is 3 MHz for two frequency operation.

2. The channel loading is 90 units. A unit is defined as one vehicular mobile unit or four hand-carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia, and Channel 17, Washington) or more from the location of base station authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8-month period of the number of units in operation.

3. Use of the frequency bands 471.800–472.075 MHz, 474.800–475.075 MHz, 477.800–478.075 MHz, and 480.800–481.075 MHz in the Chicago, Ill., area is deferred until the regional frequency management center is implemented. Should a demand for these frequencies develop before that time they will be released in those cases where it can be shown that those frequencies now available in the band 470–512 MHz are fully occupied in accordance with the assignment standards set out in paragraph 2, above.

(g) Reserve pools: Pending further order by the Commission, frequencies in Reserve Pools A and B will be unavailable for assignment.

RESERVE POOL A

Channel 14		Channel 15		Channel 16	
Base	Mobile	Base	Mobile	Base	Mobile
471.1625 to 471.2875	474.1625 to 474.2875	477.1625 to 477.2875	480.1625 to 480.2875	483.1625 to 483.2875	486.1625 to 486.2875

Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
489.1625 to 489.2875	492.1625 to 492.2875	495.1625 to 495.2875	498.1625 to 498.2875	501.1625 to 501.2875	504.1625 to 504.2875	507.1625 to 507.2875	510.1625 to 510.2875

RESERVE POOL B

Channel 14		Channel 15		Channel 16	
Base	Mobile	Base	Mobile	Base	Mobile
471.6625 to 471.7875	474.6625 to 474.7875	477.6625 to 477.7875	480.6625 to 480.7875	483.6625 to 483.7875	486.6625 to 486.7875

Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
489.6625 to 489.7875	492.6625 to 492.7875	495.6625 to 495.7875	498.6625 to 498.7875	501.6625 to 501.7875	504.6625 to 504.7875	507.6625 to 507.7875	510.6625 to 510.7875

9. Section 91.254 is amended by the following addition to the table in paragraph (a), and paragraph (b) is amended by the addition of new limitation (25).

§ 91.254 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
MHz * * * 470–512 * * *	* * * Base and mobile * * *	* * * 25

(b) * * *

(25) Frequencies available in the band 470–512 MHz are listed in § 91.114(c).

* * * * *

10. Section 91.304 is amended by the following addition to the table in paragraph (a), and paragraph (b) is amended by the addition of new limitation (28).

§ 91.304 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
MHz * * * 470–512 * * *	* * * Base and mobile * * *	* * * 28

(b) * * *

(28) Frequencies available in the band 470–512 MHz are listed in § 91.114(d).

* * * * *

11. Section 91.354 is amended by the following addition to the table in paragraph (a), and paragraph (b) is amended by the addition of new limitation (27).

§ 91.354 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
MHz * * * 470–512 * * *	* * * Base and mobile * * *	* * * 27

(b) * * *

(27) Frequencies available in the band 470–512 MHz are listed in § 91.114(d).

* * * * *

12. Section 91.504 is amended by the following addition to the table in paragraph (a), and paragraph (b) is amended by the addition of new limitation (31).

§ 91.504 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
MHz * * * 470–512 * * *	* * * Base and mobile * * *	* * * 31

(b) * * *

(31) Frequencies available in the band 470–512 MHz are listed in § 91.114(e).

* * * * *

13. Section 91.554 is amended by the following addition to the table in paragraph (a), and paragraph (b) is amended by the addition of new limitation (46).

§ 91.554 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
MHz * * * 470–512 * * *	* * * Base and mobile * * *	* * * 46

(b) * * *

(46) Frequencies available in the band 470–512 MHz are listed in § 91.114(b).

* * * * *

14. Section 91.730 is amended by the following addition to the table in paragraph (a), and paragraph (b) is amended by the addition of new limitation (20).

§ 91.730 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
470-512	Base and mobile	20
* * *	* * *	* * *

(b) * * *

(20) Frequencies available in the band 470–512 MHz are listed in § 91.114(e).

15. Section 91.754 is amended by the following addition to the table in paragraph (a) and paragraph (b) is amended by the addition of new limitation (17).

§ 91.754 **Frequencies available.**

(a) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
470-512	Base and mobile	17
* * *	* * *	* * *

(b) * * *

(17) Frequencies available in the band 470–512 MHz are listed in § 91.114(c).

PART 93—LAND TRANSPORTATION RADIO SERVICES

IV. Part 93—Land Transportation Radio Services is amended as follows:

1. Section 93.7(a) is amended by adding the following definitions in the appropriate alphabetical order:

§ 93.7 **Definitions.**

(a) * * *

Antenna height above average terrain (AAT). The average of the antenna heights above the terrain from 2 to 10 miles from the antenna for eight directions spaced evenly for each 45° of azimuth starting with true north. In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above average terrain.

Antenna power gain. The square of the ratio of the root-mean-square free space field intensity produced at 1 mile in the horizontal plane, in millivolts per meter for 1 kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (dB). (If specified for a particular direction, antenna power again is based on the field strength in that direction only.)

Effective radiated power (ERP). The product of the antenna input power and the antenna power gain. This product should be expressed in watts. (If specified in a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

* * * * *

2. In § 93.9(a) the penultimate sentence in the introductory text is amended, paragraph (a)(2) is resdesignated as (a)(2)(i), paragraph (a)(3) is redesignated as (a)(2)(ii) and a new paragraph (a)(3) is added, paragraph (a)(4) is redesignated as (a)(2)(iii) and paragraph (a)(5) is amended and redesignated as (a)(4).

§ 93.9 **Frequency coordination.**

(a) Except for applications listed in subparagraph (1) of this paragraph, each application for assignment of a new frequency, or to change existing facilities by increasing the authorized power input, or raising the height of the station antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence that the applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. Evidence of frequency coordination may be submitted in the form set forth either in subparagraph (2) or (3) of this paragraph. In no instance will an application be granted where the proposed station is located less than 7 miles from an adjacent-channel station 15 kHz removed.

(1) * * *

(ii) Any application involving a frequency or frequencies not in the 30–50, 150.8–162, or 450–512 MHz bands.

(2) For frequencies below 470 MHz:

(i) A statement, including an engineering survey if necessary, which sets forth the technical and other considerations in support of the selection of the particular frequency or the proposed changes in the authorized station and a statement indicating that the applicant has notified the licensees of all known stations in the same or other services located within the local interference range of the proposed station location and operating on any frequency 15 kHz or less from the frequency used or proposed to be used by the applicant, of the applicant's intention to file his application. In the case of existing stations operating on channels 15 kHz removed from the frequency used or proposed to be used by the applicant, those stations need not be notified that are greater than 35 miles from the proposed station location, or

(ii) A statement from a local frequency advisory committee of users suggesting a specific frequency which in its opinion would result in the least interference to existing stations in the area by the proposed station, or commenting upon the proposed changes in the authorized station. In the event the frequency recommended is not in the frequency band desired by the applicant, the committee should also indicate a frequency in the band desired by the applicant which in its opinion would result in the least amount of interference and would therefore appear to be most suitable. The committee's statement may appropriately include comments on other technical factors such as power, antenna height, and other limitations which may serve to mitigate any possible interference. The frequency advisory committee must be so organized that it is representative of the industry eligible for radio facilities in the service concerned in the area in which the committee functions and for which recommendations are made. Where the frequency requested or assigned is within 15 kHz of a frequency which is available to another radio service, and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished, or

(iii) A recommendation from a frequency coordinating committee or other appropriate representative of a national association composed of a majority of persons eligible for radio facilities in the particular service involved. Where the frequency requested or assigned is within 15 kHz of a frequency which is available to another radio service, and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

(3) For frequencies between 470–512 MHz:

(i) A report showing that the frequencies applied for are available for assignment in accordance with the applicable loading and separation standard, or

(ii) A statement from a frequency advisory committee recommending specific frequencies which are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service involved.

(4) Any recommendations submitted in accordance with subparagraph (2) or (3) of this paragraph are purely advisory in character and are not binding either on the applicant or the Commission.

* * * * *

3. Section 93.58 is amended by the addition of a new paragraph (k) to read as follows:

§ 93.58 **Supplemental information to be submitted with application.**

* * * * *

(k) For frequencies in the band 470–512 MHz, average terrain elevation data, effective radiated power computation and measured or calculated distance to protected television facilities. See § 93.114.

4. The table in § 93.102(a) is amended to read as follows:

§ 93.102 **Frequency stability.**

(a) * * *

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
MHz	*Percent*	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	1.0005	.0005	.005
450 to 470	2.00025	.0005	2.0005
470 to 512	.00025	.0005	.0005
Above 950	(3)	(3)	(3)

* * * * *

5. The table in § 93.104(b)(2) is amended to read as follows:

§ 93.104 Emission limitations.

* * * * *

(b) * * *

(2) * * *

Frequency band (MHz)	Authorized bandwidth (kHz)	Frequency deviation (kHz)
25 to 50	20	5
50 to 150	¹ 20	¹ 5
150 to 450	20	5
450 to 470	¹ 20	¹ 5
470 to 512	20	5
Above 512	(*)	(*)

* * * * *

6. Paragraphs (f) and (h) of § 93.105 are amended to read as follows:

§ 93.105 Modulation requirements.

* * * * *

(f) Each transmitter which is operated on a frequency in the range 450–512 MHz and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter in accordance with the provisions of paragraph (g) or (h) of this section.

* * * * *

(h) For stations authorized in the 450–470 MHz band on or after November 1, 1967, and for all stations authorized in the 470–512 MHz band, the audio low-pass filter required by the provisions of the preceding paragraphs of this section shall be installed between the modulation limiter and the modulated stage and, at audiofrequencies between 3 kHz and 20 kHz, shall have an attenuation greater than the attenuation of 1 kHz by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audiofrequency in kHz. At audiofrequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz. Stations authorized in the 450–470 MHz band before November 1, 1967, are not required to comply with the provisions of this paragraph until November 1, 1971.

7. The table in § 93.106(b) is amended to read as follows, and footnote (2) is deleted and shown as reserved:

§ 93.106 Power and antenna height.

* * * * *

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, the maximum power that will be authorized is shown in the following tabulation:

Frequency range MHz	Maximum plate power input to the final radio frequency stage (watts)	Maximum effective radiated power (watts)
30–100	500	
100–470	¹ 120	
470–512		1,000
Above 950	(*)	

* * * * *

8. A new § 93.114 is added to read as follows:

§ 93.114 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

(a) Frequencies in the band 470–512 MHz are available for assignment in, or in the vicinity of, the urbanized areas listed in Table G, below, subject to the following conditions.

(1) The transmitter site(s) for base station(s) shall be located not more than 50 miles from the geographic center of an urbanized area, as defined in Table G, below.

(2) Mobile units shall not be operated beyond 30-mile radii of the associated base station or stations.

(3) Base stations operating on the frequencies available for land mobile use in any listed urbanized area shall afford protection to cochannel and adjacent channel television stations in accordance with the values set out in Tables A and E, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16, in Detroit, Mich., where protection will be in accordance with the values set for in Tables B and E, below.

(4) Base and control stations shall be located a minimum of 1 mile from local television stations operating on TV channels separated by 2, 3, 4, 5, 7, and 8 TV channels from the television channel in which the base station will operate.

(5) Mobile units and control stations operating on the frequencies available for land mobile use in any given urbanized area shall afford protection to cochannel and adjacent channel television stations in accordance with the values set out in Tables C and F, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where protection will be in accordance with the values set forth in Tables D and F, below. Control station antenna height may not exceed 100 feet above average terrain.

(6) The television stations to be protected in any given urbanized area, in accordance with the provisions of subparagraphs (3), (4), and (5) of this paragraph, are identified in the Commission's publication, "TV stations to be considered in the preparation of Applications for Land Mobile Facilities in the Band 470–512 MHz." The publication is available at the offices of the Federal Communications Commission at Washington, D.C., or upon the request of interested persons.

(b) Tables:

TABLE A—BASE STATION—COCHANNEL FREQUENCIES
(50 dB Protection)

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance from transmitter site of protected UHF television station.	Distance in miles	Antenna height in feet (AAT)[1]									
		50	100	150	200	250	300	350	400	450	500
	162	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
	160	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	800
——→	155	1,000	1,000	1,000	1,000	1,000	875	775	700	625	575
	150	1,000	1,000	950	775	725	625	565	500	450	400 ←——
	145	850	750	650	575	500	440	400	350	320	300
	140	600	575	475	400	350	300	275	250	230	225
	135	450	400	335	300	285	240	200	185	165	150
	130	350	300	245	200	185	160	145	125	120	100
	125	225	200	170	150	125	110	100	90	80	75
	120	175	150	125	105	90	80	70	60	55	50

The effective radiated power (ERP)* and antenna height above average terrain (AAT) shall not exceed the values given in the table.

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table A, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table A, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table C, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE B—BASE STATION—COCHANNEL FREQUENCIES

(40 dB Protection)

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance from transmitter site of protected UHF television station. ⟶	Distance in miles	Antenna height in feet (AAT)[1]										The effective radiated power (ERP)* and antenna height above average terrain (AAT) shall not exceed the values given in the table. ⟵
		50	100	150	200	250	300	350	400	450	500	
	130	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
	125	1,000	1,000	1,000	1,000	1,000	1,000	1,000	850	750	725	
	120	1,000	1,000	1,000	1,000	900	750	675	600	550	500	
	115	1,000	1,000	800	725	600	525	475	425	375	350	
	110	850	700	600	500	425	375	325	300	275	225	
	105	600	475	400	325	275	250	225	200	175	150	
	100	400	325	275	225	175	150	140	125	110	100	
	95	275	225	175	125	110	95	80	70	60	50	
	90	175	125	100	75	50	.....					

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table B, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table B, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE C—MOBILE AND CONTROL STATION—DISTANCE BETWEEN ASSOCIATED BASE STATION AND PROTECTED CO-CHANNEL TV STATION

(50 dB Protection)

Effective radiated power (watts) of mobile unit and control station:	*Distance (miles)*
200	155
150	151
100	145
50	135
25	125
10	117
5	112

TABLE D—MOBILE AND CONTROL STATION—DISTANCE IN MILES BETWEEN ASSOCIATED LAND MOBILE BASE STATION AND PROTECTED CO-CHANNEL TELEVISION STATION

(40 dB Protection)

Effective radiated power (watts) of mobile unit and control station:	*Distance (miles)*
200	130
150	125
100	120
50	115
25	110
10	105
5	100

TABLE E.—BASE STATION—ADJACENT CHANNEL FREQUENCIES

MAXIMUM EFFECTIVE RADIATED POWER (ERP)

At this distance transmitter site of protected UHF television station. ⟶	Distance in miles	ANTENNA HEIGHT IN FEET (AAT)[1]										The effective radiated power (ERP)* and antenna height above average terrain shall not exceed the values given in the table. ⟵
		50	100	150	200	250	300	350	400	450	500	
	67	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
	66	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	750	
	65	1,000	1,000	1,000	1,000	1,000	1,000	1,000	825	650	600	
	64	1,000	1,000	1,000	1,000	1,000	1,000	775	625	500	400	
	63	1,000	1,000	1,000	1,000	1,000	650	450	325	325	225	
	62	1,000	1,000	1,000	1,000	225	375	250	200	150	125	
	61	1,000	1,000	700	450	350	200	125	100	75	50	
	60	1,000	1,000	425	225	125	100	75	50	.....		

*Power levels listed in table are given in watts.

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611 or charts or maps of suitable scale, determine the distance between the proposed land mobile base station and the protected cochannel television station. If the exact mileage does not appear in Table A, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 to 500 feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in Table E, use the power figure beneath the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined heretofore from Table A or B, this lower figure is the maximum power that may be employed at the proposed land mobile base station.

[1] In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with true north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers Maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

TABLE F—MOBILE AND CONTROL STATION DISTANCE IN MILES BETWEEN ASSOCIATED LAND MOBILE BASE STATION AND PROTECTED ADJACENT CHANNEL TELEVISION STATION

Effective radiated power (watts) of mobile unit and control station:	*Distance (miles)*
200	90
150	90
100	90
50	90
25	90
10	90
5	90

TABLE G—FREQUENCY AVAILABILITY FOR LAND MOBILE USE

Urbanized area	Geographic center N. latitude	Geographic center W. longitude	Frequencies (MHz)
Boston, Mass.[1]	42°21'24"	71°03'24"	Channel 14 470-476. Channel 16 482-488.
Chicago, Ill.	41°52'28"	87°38'22"	Channel 14 470-476. Channel 15 476-482.
Cleveland, Ohio[2]	41°29'51"	81°41'30"	Channel 14 470-476. Channel 15 476-482.
Detroit, Mich.[3]	42°19'48"	83°02'57"	Channel 15 476-482. Channel 16 482-488.
Los Angeles, Calif.[4]	34°03'13"	118°14'28"	Channel 14 470-476. Channel 20 506-512.
New York-Northeastern New Jersey.	40°45'06"	73°59'29"	Channel 14 470-476. Channel 15 476-482.
Philadelphia, Pa.	39°56'58"	75°09'21"	Channel 19 500-506. Channel 20 506-512.
Pittsburgh, Pa.	40°26'19"	80°00'00"	Channel 14 470-476. Channel 18 494-500.
San Francisco-Oakland, Calif.	37°46'30"	122°24'40"	Channel 16 482-488. Channel 17 488-494.
Washington, D.C.-Maryland-Virginia.	38°53'51"	77°00'32"	Channel 17 488-494. Channel 18 494-500.

[1] Channel 16 is not available in Boston, Mass., until further order from the Commission.
[2] Channels 14 and 15 are not available in Cleveland, Ohio, until further order from the Commission.
[3] Channels 15 and 16 are not available in Detroit, Mich., until further order from the Commission.
[4] Channels 14 and 20 are not available in Los Angeles, Calif., until further order from the Commission.

(c) Frequencies available for assignment in the Taxicab Radio Service:

Channel 14		Channel 15		Channel 16	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
472.3625 to 472.4375	475.3625 to 475.4375	478.3625 to 478.4375	481.3625 to 481.4375	484.3625 to 484.4375	487.3625 to 487.4375

Channel 17		Channel 18		Channel 19		Channel 20	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
490.3625 to 490.4375	493.3625 to 493.4375	496.3625 to 496.4375	499.3625 to 499.4375	502.3625 to 502.4375	505.3625 to 505.4375	508.3625 to 508.4375	511.3625 to 511.4375

1. The first and last assignable frequencies are shown. Assignable frequencies occur in increments of 25 kHz. The separation between base and mobile transmit frequencies is 3 MHz for two frequency operation.

2. The channel loading is 90 units. A unit is defined as one vehicular mobile unit or four hand-carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more from the location of base station authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8-month period of the number of units in operation.

3. Use of the frequency bands 472.400- able in the band 470–512 MHz are fully occupied in accordance with the assignment standards set out in paragraph 2, above.

(d) Frequencies available for assignment in the Railroad, Motor Carrier and Automobile Emergency Radio Services:

Channel 14		Channel 15		Channel 16	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
472.4625 to 472.7875	475.4625 to 475.7875	478.4625 to 478.7875	481.4625 to 481.7875	484.4625 to 484.7875	487.4625 to 487.7875

Channel 17		Channel 18		Channel 19		Channel 20	
Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
490.4625 to 490.7875	493.4625 to 493.7875	496.4625 to 496.7875	499.4625 to 499.7875	502.4625 to 502.7875	505.4625 to 505.7875	508.4625 to 508.7875	511.4625 to 511.7875

1. The first and last assignable frequencies are shown. Assignable frequencies occur in increments of 25 kHz. The separation between base and mobile transmit frequencies is 3 MHz for two frequency operation.

2. The channel loading is 70 units. A unit is defined as one vehicular mobile unit or four hand-carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia, and Channel 17, Washington) or more from the location of base station authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8-month period of the number of units in operation.

3. Use of the frequency bands 472.450–472.625 MHz, 475.450–475.625 MHz, 478.450–478.625 MHz, and 481.450–481.625 MHz in the Chicago, Ill., area is deferred until the regional frequency management center is implemented. Should a demand for these frequencies develop before that time they will be released in those cases where it can be shown that those frequencies now available in the band 470–512 MHz are fully occupied in accordance with the assignment standards set out in paragraph 2, above.

(e) Reserve pools: Pending further order by the Commission, frequencies in Reserve Pools A and B will be unavailable for assignment.

RESERVE POOL A

Channel 14		Channel 15		Channel 16	
Base	Mobile	Base	Mobile	Base	Mobile
471.1625 to 471.2875	474.1625 to 474.2875	477.1625 to 477.2875	480.1625 to 480.2875	483.1625 to 483.2875	486.1625 to 486.2875

Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
489.1625 to 489.2875	492.1625 to 492.2875	495.1625 to 495.2875	498.1625 to 498.2875	501.1625 to 501.2875	504.1625 to 504.2875	507.1625 to 507.2875	510.1625 to 510.2875

RESERVE POOL B

Channel 14		Channel 15		Channel 16	
Base	Mobile	Base	Mobile	Base	Mobile
471.6625 to 471.7875	474.6625 to 474.7875	477.6625 to 477.7875	480.6625 to 480.7875	483.6625 to 483.7875	486.6625 to 486.7875

Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
489.6625 to 489.7875	492.6625 to 492.7875	495.6625 to 495.7875	498.6625 to 498.7875	501.6625 to 501.7875	504.6625 to 504.7875	507.6625 to 507.7875	510.6625 to 510.7875

9. Section 93.352 is amended by the addition of new paragraphs (f) and (g) to read as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

* * * * *

(f) Frequencies in the 470–512 MHz band are available for assignment in the Railroad Radio Service on a shared basis with licensees in the Auto Emergency Radio and Motor Carrier Radio Services. Frequencies available for assignment are listed in 93.114(d).

(g) Frequencies in the 470–512 MHz band are available for assignment in the Motor Carrier Radio Service on a shared basis with licensees in the Railroad and Auto Emergency Radio Services. Frequencies available for assignment are listed in § 93.114(d).

10. Section 93.402 is amended by the addition of a new paragraph (d) to read as follows:

§ 93.402 Frequencies below 952 MHz available for base and mobile stations.

* * * * *

(d) Frequencies in the 470–512 MHz band are available for assignment in the Taxicab Radio Service. Frequencies available for assignment are listed in § 93.114(c).

11. Section 93.503 is amended by the addition of a new paragraph (e) to read as follows:

§ 93.503 Frequencies below 952 MHz are available for base and mobile stations.

* * * * *

(e) Frequencies in the 470–512 MHz band are available for assignment in the Auto Emergency Radio Service on a shared basis with licensees in the Motor Carrier and Railroad Radio Services. Frequencies available for assignment are listed in § 93.114(d).

[FR Doc.71-9079 Filed 6-30-71;8:45 am]

[Docket No. 18633; FCC 71-663]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Certain Radio Frequencies for the Great Lakes

First report and order. In the matter of amendment of Parts 2, 81, and 83 to establish a schedule of dates, technical standards, frequencies and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services and to make other incidental rule changes, for the Great Lakes, Docket No. 18633.

1. A notice of proposed rule making in the above-captioned matter was released on August 25, 1969, and was published in the FEDERAL REGISTER on August 28, 1969 (34 F.R. 13752). By its order released September 26, 1969, the Commission granted and extension of time in which to file comments. The dates for filing comments and reply comments have passed.

General discussion. 2. The Commission is not adopting in this first report and order amendments to those sections of Parts 81 and 83 (§§ 81.304, 81.306, 83.351, 83.354, et al.) which set forth the frequency plan, specific frequencies and the conditions of use applicable thereto. Separation of these matters from this first report and order makes it possible for the Commission to finalize rules in the instant proceeding on approximately the same effective dates as those adopted in the first report and order in Docket No. 18307. The matters not covered in this first report and order and the comments related to them will be treated in a subsequent report and order.

3. Comments were filed by: American Telephone and Telegraph Company (A.T. & T.); Collins Radio Co. (Collins); Lake Carriers' Association (LCA); Lorain Electronics Corp. (Lorain); National Marine Electronics Association, Inc. (NMEA); North Pacific Marine Radio Council, Inc. (NPMRC); Raytheon Co. (Raytheon); and U.S. Power Squadrons (USPS). These comments are treated in the following paragraphs except for certain comments which are outside of the scope of this rulemaking and, therefore, are not germane to this proceeding.

4. The subject matter of the proposals set forth in the notice of proposed rule making in Docket No. 18307, released September 12, 1968, and Docket No. 18633, released August 25, 1969, are the same, except for geographic area and changes accruing from the difference in release dates of the two notices. Paragraph 8 of the notice of proposed rule making in Docket No. 18307, sets forth the reasons for separating the Great Lakes area from the remainder of the 48 States, as follows:

* * * In regard to the Great Lakes, the Commission has under current consideration the matter of improviding maritime service communications in the Great Lakes area, particularly in regard to provisions for an increased use of very high frequencies. The results of that consideration could have impact upon the requirements in that area for radiotelephony frequencies in the 1605–4000 kc/s band. Further, the Commission is advised of planning by Canada to complete, at a relatively early date, a program of installation to provide VHF (156–162 Mc/s) coverage over that portion of the Great Lakes under Canadian jurisdiction. In view thereof, it would be premature, at this time, to propose a mandatory conversion to SSB in the Great Lakes area.

5. Treating the Great Lakes separately from the remainder of the United States was intended to afford the industry additional time in which to effect coordination, looking to the possibility that the communication needs of commercial vessels on the Great Lakes might be fulfilled by use of very high frequencies thereby avoiding the economic impact of refitting many vessels for the use of the single sideband (SSB) mode of emission. This situation is fully discussed and further clarified in paragraphs 2, and 3 of the notice in the instant proceeding. Paragraph 2, in particular, minimizes any other reason for separating the Great Lakes from the remainder of the 48 States where, in reference to the proceeding in Docket No. 18307, it states:

2. The objectives of the program, background and related matters for conversion from double sideband (DSB) to single sideband (SSB) on radiotelephony frequencies

below 4000 kc/s are set forth in the Commission's notice of proposed rule making (Docket No. 18307). The objectives, background and related matters are applicable to the whole of the United States, including the Great Lakes.

6. The hope that the requirements of the U.S. maritime industry for communications in U.S. waters of the Great Lakes could be satisfied within any reasonable period of time by sole use of very high frequencies has substantially disappeared and it now appears that it will be necessary for the Commission to continue availability of frequencies in the band 2000–2850 kHz in the Great Lakes area.

7. During the interval since release of the notice, it is our understanding that Canada has concluded that the requirement for both safety and operational communications in Canadian waters of the Great Lakes can be fulfilled by use of VHF and, with support from the Dominion Marine Association[1] is proceeding with implementation for appropriate facilities. Further, with regard to U.S. waters of the Great Lakes, the U.S. Coast Guard has continued its study into the feasibility of full coverage of these waters for safety purposes by use of VHF. Although the study is not yet complete, the results are encouraging.

8. Since it will be necessary to continue indefinitely to make available frequencies in the band 2000–2850 kc/s for use on the Great Lakes as well as for other areas, it is necessary that the rules applicable to the Great Lakes area be consistent with rules applicable to the remainder of the United States. From the technical, operational and economic points of view, the Commission is aware of no reason why the rules applicable to use and availability of MF frequencies in the Great Lakes area should differ from the rules applicable to the majority of other U.S. waters. Accordingly, evaluation of the comments filed in the instant proceeding will be done with due consideration of those filed in Docket 18307 and of the actions taken in that proceeding.

9. A number of commentators who requested that their comments in Docket No. 18307 be incorporated in the instant proceeding, also submitted additional comments of specific applicability to the Great Lakes for consideration in this Docket. Included in this category are A.T. & T. Collins, Lorain, Raytheon, and USPS. Only the additional comments of these commentators are considered by the Commission in the paragraphs which follow. LCA, on the other hand, did not file comments in Docket No. 18307, but filed extensive comments in the instant proceeding and these are considered at length in the following paragraphs. While NMEA did not file comments in Docket No. 18307, they did file in Docket No. 18632 and have requested that their comments in Docket No. 18632 be incorporated, as appropriate, in the instant proceeding. The Commission has studied these NMEA comments and is of the view that those subjects which have applicability in the instant proceeding were considered and treated in its first report and order in Docket No. 18307 and, therefore, that no further action in the instant proceeding is required. The comments of NPMRC, on the other hand, were limited to a plea that the Commission expedite action to finalize, in part or in whole, the proceedings in Dockets Nos. 18307, 18632, and 18633, or, at a minimum, that a first report and order in Docket No. 18307 be released covering key dates, as was done in Docket No. 18271.

10. The comments filed by A.T. & T. are, essentially, the same as those they filed in Docket No 18307, which were considered and treated by the Commission in that proceeding. In addition, A.T. & T. submitted comments in this proceeding directed to some of the details of frequency usage and made the following suggestions:

(a) That coast stations which are required to discontinue MF on January 1, 1977 (and which will implement VHF on that date) be exempt from the requirement to convert MF operations from DSB to SSB on January 1, 1972.

(b) That a different period be adopted for shifting ship stations to the proposed new transmitting frequency of 2116.5 kc/s;

(c) That changes be made in the proposed coast and ship frequencies in order to reduce or avoid interference; and

(d) That operation on the Great Lakes be restricted to day only, or the additional frequencies be designated, to eliminate conflicting situations.

With regard to A.T. & T.'s first suggestion, we agree that stations which will cease use of MF on January 1, 1977 (and which will implement VHF on that date), should not be required to convert from DSB to SSB on January 1, 1972, as provided by § 81.104(c), and should be permitted to continue to use presently authorized DSB equipment until January 1, 1977. Accordingly, with regard to public coast stations of this category, we are authorizing the staff to grant applications, or requests for waiver of § 81.304 (c), for the use of presently authorized DSB equipment until but not beyond January 1, 1977. A.T. & T.'s comments regarding frequency usage as well as the last three suggestions, above, will be treated by the Commission in a subsequent report and order.

Ship stations—Maximum permitted transmitter output power. 11. Collins recommends that the maximum permitted transmitter output power of MF ship stations in the Great Lakes area be increased from the 150 watts (P_p) proposed by the Commission to 400 watts (P_p). The technical arguments included in Collins' comments are discussed below. In the nontechnical area, Collins' arguments are directed to improving communications on the Great Lakes by improving the quality of communication and by increasing the usable communication range. The Commission readily agrees that an improvement in quality of communications is desirable. This improvement in quality, however, is one of the longstanding benefits which advocates of SSB have advanced over the years and which is accepted as an integral part of the justification for conversion to SSB. The Commission expects manufacturers of marine sets to include in their SSB equipments an improved quality over that of DSB equipments. With regard to increase in the usable communication range of frequencies in the band 2000–2850 kc/s, the Commission is not persuaded that this is necessary since longer range communications on the Great Lakes, where it is needed, is adequately provided by the use of frequencies at 4 and 8 Mc/s (see Third Report and Order, Docket No. 18271, released Dec. 22, 1969).

12. Raytheon submitted the same comments in the instant proceeding as were filed in Docket No. 18307 recommending that § 83.134(d), for the area other than the Great Lakes, be amended to increase the maximum permitted transmitter output power of ship stations from 150 watts (P_p) to 400 watts (P_p). Since the instant proceeding concerns exclusively the Great Lakes area, the Commission is construing Raytheon's comments as recommending that in the Great Lakes area the ship station power be increased from 150 to 400 watts (P_p). Further, by the same procedure, Raytheon recommends that footnote 2 to the table of section 83.134(d) be expanded to permit vessels, other than passenger vessels of 5,000 gross tons and over, to employ a maximum transmitter output power of 1,000 watts (P_p).

13. Raytheon's first recommendation is discussed below, together with a similar recommendation by Collins. Raytheon's recommendation regarding expansion of footnote 2 was considered and rejected by the Commission in the first report and order in Docket No. 18307, released June 16, 1970. Since no new material has been submitted to indicate there is need to give this matter further consideration, the Commission reaffirms its decision in the first report and order, Docket No. 18307.

14. Collins and Raytheon argue that the power levels proposed by the Commission will, after conversion to SSB, result in a coverage reduction on the Great Lakes, particularly as concerns use of emission A3H on 2182 kc/s. The following table sets forth the relative powers which would be permitted if § 83.134 is amended as proposed by the Commission in its notice:

SHIP STATIONS MAXIMUM AUTHORIZED POWER (WATTS)

Type of power	Type of emission			
	A3	A3J	A3A	A3H
P_p	[1] 360	150	150	150
P_m[2] (Smooth text)	94.5	15	14.4	41.25

[1] See Part 83, § 83.134(a)(3)(i): Carrier power (P_p)=60 percent of the unmodulated input power; Peak Power (P_p)=4P_p.

[2] "P_m (Smooth text)" refers to mean power when voice modulated by smoothly read text.
See CCIR Recommendation 326-1, Oslo, 1966.

[1] In Canada the counterpart to the Lake Carriers Association of the United States.

15. Referring to CCIR Recommendation 326–1, we find that for A3 emission modulated by smoothly read text, the ratio of mean to carrier power is 1.05 to 1. Assuming this together with the relationship stated in footnote 1 of the above table, the carrier power will be 90 watts and mean power will be 94.5 watts. Subtracting the carrier power from the mean power results in a total sideband power of 4.5 watts. The power in each sideband would be 2.25 watts. If a suppressed carrier SSB receiver is employed, that receiver will reject the transmitted carrier and lower sideband for A3, or the transmitted carrier for A3A and A3H. The relative powers shown above have been adjusted in the following table to reflect the power available after subtraction of the carrier plus lower sideband power for A3, and the carrier power for A3A and A3H:

SHIP STATIONS MAXIMUM AUTHORIZED POWER (WATTS)

Type of power	Type of emission [1]			
	A3	A3J	A3A	A3H
P_p	360	150	150	150
P_m (Smooth text)	2.25	15	10.65	3.75

[1] Disregarding: Path losses, antenna system losses; differences in receiver noise bandwidth; susceptibility to selective fading; etc.

16. The foregoing simplified analysis does not support the contention that the proposed ship station power limit of 150 watts (P_p) will, in effect, reduce the usable communications range, particularly with regard to reception of full carrier A3H emission by a receiver operating in the SSB suppressed carrier mode. This comparison of available sideband power is based upon the mean power (P_m) which results under conditions of smooth speech, and without speech processing. We recognize that in operation there is some variation from "smooth text" modulation conditions. However, this variation should not cause any significant change in the relative values of available sideband power for double sideband (A3), single sideband full carrier (A3H), partially suppressed carrier single sideband (A3A), and suppressed carrier single sideband (A3J) emissions. It should be noted that with speech processing there can be an effective increase in the available sideband mean power while retaining the specified limit of peak envelope power.

17. A substantially different situation exists with regard to reception of 2182 kHz, emission A3H, on a receiver other than a single sideband suppressed carrier receiver, for example, on a DSB receiver. In the general case, as the bandwidth of the receiver is increased, a higher level of 2182 kc/s signal is required to exceed the noise. Many of the DSB 2 Mc/s receivers currently installed aboard vessels are relatively wide band and provide poor selectivity. In that regard it will be noted that for 2182 kc/s the ITU Radio Regulations, Geneva, 1967, provides a channel width, excluding guard bands, of 17 kc/s.

18. Collins comments that (a) A3H emission received on a DSB receiver suffers some loss as compared to A3 emission; (b) that " * * * there are no known receivers designed explicitly for receiving A3H emission efficiently."; and (c) that while A3J receivers will receive A3H emission with good efficiency, Collins does not anticipate they will be employed generally on 2182 kc/s. We agree that, theoretically, at least, an A3H signal received on a DSB receiver suffers some loss. However, as stated by Collins, since reception of A3H on an A3J receiver is fully satisfactory, we doubt that there is need for a receiver designed solely for reception of A3H emission. Further, if the DSB transmitter is within the frequency tolerance specified for SSB, reception of the A3 emission on an A3J receiver can be fully satisfactory. The Commission is not persuaded that A3J receivers will not be employed generally on 2182 kHz.

19. In the case of ship stations, it has never been presumed, planned, or accepted that once the ship converts to SSB it would be necessary for that ship station to maintain a guard on 2182 kc/s by use of a DSB receiver, which would be in addition to the guard on 2182 kc/s with an SSB receiver. Thus, if the ship station has converted to SSB, it will guard 2182 kc/s with an SSB receiver and will transmit on 2182 kc/s with emission A3H and a power of 150 watts (P_p). Coast stations will receive this A3H transmission on an SSB receiver, as will all other ships which have converted to SSB. Ship stations which have not converted to SSB will receive the A3H transmission on a DSB receiver.

20. With regard to the level of received signal, it must be noted that a large portion of DSB transmitters in current use employ an input power of substantially less than the maximum power of 150 watts permitted by the rules. It is estimated that the majority of licensees in the band 1605–4000 kc/s employ DSG transmitters having input powers of 50 to 85 watts. It would be inaccurate to conclude that an A3H transmitted signal of 150 watts (P_p, including carrier), received on a DSB receiver, would suffer losses as compared to a DSB transmitted signal of 88 watts (P_p, including carrier plus both sidebands) when received on the same DSB receiver. The 88 watts (P_p) is the peak envelope power available from one DSB transmitter which has a manufacturer's power input rating of 50 watts and an output power rating of 22 watts.

21. The Commission is not, therefore, persuaded that the maximum permitted transmitter output power of ship stations should be increased and the recommendation of Collins and Raytheon that this power be increased to 400 watts (P_p) is rejected. Accordingly, the ship station maximum permitted transmitter output power of 150 watts (P_p) is adopted, as set forth below.

Coast stations—maximum permitted transmitter output power for SSB. 22. In its notice the Commission proposed in § 81.134(d) that coast stations employing SSB be limited to a maximum transmitter output power of 800 watts (P_p) day and 400 watts night. Collins recommends this power be 1 kW. (P_p) for both day and night. Lorain recommends a value of 1 kW. (P_p) day and does not comment on the power for use at night.

23. The Commission, in its First Report and Order in Docket No. 18307, released June 16, 1970, adopted the maximum output power set forth in paragraph 22, above, for the remainder of the 48 contiguous States. It is the opinion of the Commission that the maximum power to be authorized coast stations operating on frequencies in the 2000–2850 kc/s band should be the same, whether the coast station is located in the Great Lakes or elsewhere in the 48 States. We have reviewed the comments of Collins and Lorain to determine if they set forth considerations which dictate departure from this opinion. On the basis of this review, we conclude that the maximum output powers proposed in the instant docket can be made applicable to coast stations on the Great Lakes and those powers are, therefore, adopted.

Comments of Lake Carriers Association (LCA). 24. LCA voices strong opposition to implementation of our proposals in this proceeding on the dates scheduled. It feels that the proposed rules "are entirely premature". The reasons, in summary, being that (1) the actions proposed would be contrary to the legal requirements of the Agreement Between the United States and Canada for Promotion of Safety on the Great Lakes by Means of Radio, popularly known as the Great Lakes Agreement (GLA) and (2) from an operational standpoint the rules proposed would require practices which LCA feels are inimical to safety. LCA urges, in effect, further and comprehensive planning with the industry and Canada before any action is taken to change the present system.

25. Turning to the legal aspects of the matter, the rules adopted herein would not allow installation of transmitters employing A3 emission after January 1, 1972, except under circumstances in which a license for A3 operation issued prior to January 1, 1972, has been continuously in effect and in which the same licensee is involved. The regulations annexed to the Great Lakes Agreement require that certain types of vessels (generally large commercial vessels) plying the Great Lakes be capable of transmitting A3 emissions. However, subsequent to ratification of the Great Lakes Agreement (1952), there was held at Geneva in 1967 a World Administrative Radio Conference (WARC). WARC adopted regulations which set forth, in Article 35 and Resolution No. MAR 5, a program and schedule for worldwide conversion to SSB. The Great Lakes are not excluded from this worldwide program as they sometimes are in international agreements. The resolution prohibits any new installation of DSB after January 1, 1973, with certain exceptions and further provides that "administrations shall endeavor to discontinue the installation

of double sideband equipment at the earliest possible date after 1 April 1969 * * * ".

26. It would appear, therefore, that the WARC treaty takes precedence over the Great Lakes Agreement and confers upon this Commission the legal authority to effect the necessary subject changes in the rules. However, in our proposal we have accelerated the WARC dates for conversion to SSB. The need for this acceleration is well documented in Docket No. 18307 which set forth the program for conversion to SSB for the United States except for the Great Lakes and Alaska. Need is, of course, no substitute for legal authority. LCA's position that those subject to GLA and installing a new transmitter after January 1, 1971 [3] can not comply with both our proposed rules and GLA is not without merit. We do not view, however, the program dates in WARC as delimiting as to when we begin transitions that are technically compatible with existing operations. Once the program is established, the transition phase is one best left to each administration so that it can deal with its own particular problems associated with any transition. Inaugural transition dates, therefore, have no real impact internationally and they are best viewed as dates by which countries must be moving forward with the program to insure meeting the final date. In Docket No. 17295 we accelerated WARC conversion dates with respect to technical characteristics for marine radiotelephone. This action was specifically challenged by LCA on these legal grounds, among other things, and found to be without merit. Lake Carriers' Assoc. et al. v. U.S. and F.C.C., 414 F. 2d 567 (C.A. 6, 1969)

27. Aside from the authority conferred by the WARC treaty, it is believed that the purpose of specifying A3 in the regulations annexed to the Great Lakes Agreement was merely to provide a common reference point from which the respective administrations could promulgate rules so as to allow intercommunications among vessels plying the Great Lakes. It was to preclude the establishment of incompatible systems such as one administration requiring amplitude modulation and the other frequency modulation. Our proposed requirement to change to SSB is compatible with A3. The SSB equipped stations and DSB stations will be able to intercommunicate with no appreciable degradation to the service on A3H, and A3, respectively. The change, therefore, is one within the framework of the Great Lakes Agreement irrespective of WARC.

28. In view of the foregoing, we conclude that the legal authority to require conversion from DSB to SSB stems from the above-cited WARC article and resolution. Further, we conclude that the action taken herein is consistent with the underlying purpose for specifying A3 in the regulation annexed to GLA.

29. A readily apparent solution, to remove any question concerning the requirements for A3 emission, would be to amend the Great Lakes Agreement. To this end, the United States and Canada have entered negotiations at staff level on extensive revision and amendment of the GLA which would, among other things, eliminate the problems envisaged by LCA. Representatives of LCA have actively participated in these matters. We do not feel, however, that revision of the GLA is a sine quo non to the actions taken herein.

30. Turning now to operational aspects, LCA is concerned that important safety considerations will be compromised by the proposed rules which would prohibit ship stations from utilizing radiotelephone frequencies in the band 2000–2850 kc/s for intership communications except over distances in excess of the VHF communications range. Further it states that the Commission is also "ignoring certain legal" considerations. LCA does not cite what laws we may be violating, so we assume they are referring to GLA and the requirement to be equipped with the frequency 2182 kc/s and one other working frequency (by FCC rule 2003 kc/s; § 83.542) LCA points out that on the Great Lakes "most navigational traffic among commercial vessels is conducted on VHF. Nevertheless, MF provides an important backup safety system. It is not always readily apparent to the navigating officer when he is in VHF range. For this reason, safety calls are given on both VHF and MF * * *."

31. The Commission's objective in this requirement is to relieve the congestion which now exists on 2182 kc/s. The overloading of this primary marine channel is the result of two factors; (1) The rapid growth in boating particularly pleasure craft and (2) the long range characteristics of the frequency. The proposed requirement to use VHF when within range is a logical necessity if congestion is to be relieved on 2 Mc/s. It is also a rule that will depend on the cooperative spirit of licensees for effectiveness rather than FCC enforcement because obviously, in most instances, a ship will not know if the ship it is calling is within VHF range. In essence all the rule requires with respect to calling is that the first call be made on VHF and if no reply is received then it may be assumed that the called vessel is beyond VHF range and 2 Mc/s may then be used.

32. LCA further points out that the new rules would not be applicable to Canadian and other foreign flag vessels and while all such vessels are equipped with VHF it is entirely probable that instances may arise where they may endeavor to contact an American flag vessel on MF even though the vessels are within VHF range of each other. This is a point well taken. We feel that the rules as proposed would place an unfair burden on U.S. ships. Accordingly, the rule (§ 83.351(c)(ii)) is revised below to require only that the first call be made on VHF and if no reply is received then 2 Mc/s may be used. A ship receiving a call on 2 Mc/s may respond on 2 Mc/s. The rule as modified will now be a calling procedure rule applicable only to the ship station originating the call. We know of no legal requirement that will be contravened by this rule.

33. The Commission is reminded by the comments that on the Great Lakes some safety calls are given on both VHF and MF. From our own observations we could add that the ore vessels make these calls on both MF and VHF simultaneously. It is this simultaneous use of two channels that the Association apparently wishes to preserve.

34. There is merit to broadcasting safety messages on dual channels. In fact we would agree that the more channels used simultaneously the more likelihood that all areas are covered. On this basis, VHF would cover the immediate area, MF would cover the intermediate area, and 5,8,11 MHz channels, for example, would alert other more distant areas. We feel, however, that use of multiple frequencies for transmission of safety messages is wasteful of the frequency spectrum and is unnecessary. Nevertheless, there will be a period of time perhaps extending for several years when some ships will be monitoring VHF while others are guarding MF channels. The fact that the ships of the Lake Carriers Association guard both VHF and MF simultaneously gives them an obvious advantage in that they will intercept messages from all types of vessels. During the period of time when both MF and VHF are being used for safety on the Great Lakes we are persuaded that simultaneous transmissions on two frequencies should not be precluded. We will require, however, that simultaneous transmissions be limited to safety messages preceded by "Securite" or higher priority. An appropriate change to § 83.351 is contained below.

Other subjects. 35. LCA notes there is a lack of availability today of SSB equipment that will meet Great Lakes needs. The specific needs of LCA are not stated; however, SSB equipment which meets the Commission's type acceptance requirements does exist and new equipment is being type accepted from time to time. In those instances where an older vessel may choose to replace DSB before the mandatory changeover date or a new vessel must equip with radio then present SSB type accepted equipment must be used. However, the critical date with respect to most vessels will be January 1, 1977—the mandatory changeover from DSB to SSB. Prior to this latter date there would appear to be adequate time in which to develop and obtain SSB equipment that will meet any special needs of LCA.

36. LCA notes that the matter of selective calling equipment which will work with SSB emission A3J has not

[3] Now 1972.

been solved and that such equipment will be required at the time of mandatory conversion of affected coast stations to SSB on January 1, 1972. Since LCA filed their comments, however, at least one, and possibly more, selective calling systems have been developed in the United States which we are advised will work with A3J emission. It should be noted that the Commission's rules do not specify the technical characteristics of selective calling systems, or require the installation of such system aboard ship stations.

37. LCA included in their comments a resolution adopted in January 1969, by a joint meeting of LCA and Dominion Marine Association (DMA) which recommends, for the Great Lakes, that no change be made in the present communication system until the future system has evolved. It is known that Canada plans full coverage of Canadian waters of the Great Lakes by use of VHF.[3] The DMA formally supports this planned change in communications on the Great Lakes. It is understood that with implementation of this VHF plan by Canada the use of 2 Mc/s will assume a lesser status. Further, it is known that Canada will convert from DSB to SSB as agreed upon at the WARC. Thus, at least initially, there will be differences between operation in Canadian waters and in U.S. waters, however, the ship station installation on both Canadian and U.S. vessels will be essentially the same, that is, vessels will have VHF and, where total needs cannot be fulfilled by use of VHF, it will be necessary to change from current DSB to future SSB. The Commission does not anticipate that the small differences which will remain will impose any hardship upon the users, or will impede the effectiveness of communication on the Great Lakes.

38. LCA, Lorain and USPS call attention, correctly, to an error appearing in the notice in regard to one footnote applicable to 2003 kc/s. Appropriate correction will be included in a subsequent report and order which treats frequencies and the applicable conditions of use.

39. Any application for modification of license to comply with any rule amendments adopted herein may be submitted without a fee.

40. The first report and order in Docket No. 18307 released June 16, 1970, amended Parts 2, 81, and 83 by requiring a conversion from DSB to SSB on frequencies below 4000 kc/s in the Maritime Services except in Alaska and the Great Lakes. Mandatory dates for conversion and technical standards were adopted and use of these frequencies limited to communications beyond VHF range. The rule amendments made in Docket No. 18307 are applicable here in their entirety and no substantive rule changes are necessary in this proceeding except in § 83.351.

41. *Accordingly, it is ordered*, That the staff is authorized to grant applications, or requests for waiver of § 81.304(c), for public coast stations which are presently authorized to operate on MF, which will not be eligible to continue use of MF after January 1, 1977, and where the application for waiver is accompanied by an application for VHF facilities.

42. *It is further ordered*, That pursuant to the authority contained in sections 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 2, 81, and 83 of the Commission's rules, as amended by the first report and order in Docket No. 18307 are hereby made applicable to Maritime Services on the Great Lakes and Parts 81 and 83 are amended as set forth below. The action taken herein is effective August 10, 1971.

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

Adopted: June 24, 1971.

Released: June 28, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

§ 81.304 [Amended]

1. In § 81.304, paragraph (c)(1)(i) is amended by deleting footnote 1, and paragraph (c)(3)(ii) is amended by deleting footnote 1 and the parentheses around the words "and Great Lakes".

§ 81.360 [Amended]

2. In § 81.360, paragraph (a)(3)(ii) is amended by deleting footnote 1 and the parentheses around the words "and Great Lakes".

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

In § 83.351(c), subparagraph (3)(ii) is amended as set forth below and subparagraph (4) is amended by deleting footnote 1:

§ 83.351 Frequencies available.

* * * * *

(c) * * *

(3) * * *

(ii) Prior to initiating a call on the frequencies, a ship station shall first attempt to communicate on the appropriate VHF frequencies. If no reply is received to the call made on VHF, then the frequencies in the band 2000–2850 kc/s may be used for authorized communications: *Provided, however*, That on the Great Lakes, simultaneous transmission on MF and VHF is permitted for ship safety messages.

* * * * *

[FR Doc.71-9317 Filed 6-30-71;8:50 am]

[3] See paragraph 7, above.

[4] Commissioners Robert E. Lee, Johnson, and Houser absent.

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Import Reg. 1, Rev. 5, Amdt. 2]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

LICENSES FOR LOW-FAT CHEESE AND CHOCOLATE CRUMB

On May 28, 1971, proposed amendments of Import Regulation 1, Revision 5, as amended (7 CFR Part 6), were published in the FEDERAL REGISTER (36 F.R. 9785), which would provide for the issuance of licenses for the importation of articles subject to import quotas provided for in TSUS items 950.10E ("other" cheese containing 0.5 percent or less by weight of butterfat) and 950.16 (milk chocolate crumb containing 5.5 percent or less by weight of butterfat). Interested persons were invited to submit written comments with respect to the proposed amendment within 30 days of the date of publication of the notice in the FEDERAL REGISTER. No comments were received. The amendments, as proposed, are adopted to be effective July 1, 1971, since licenses are required by Presidential Proclamation 4026, dated December 31, 1970, for the importation of such articles beginning July 1, 1971.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Signed at Washington, D.C., this 29th day of June 1971.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

1. Section 6.26(a) is amended by adding the following to the table:

Article	TSUS Item No.	Quantity (pounds)
* * *	* * *	* * *
"Other" low-fat cheese	950.10E	20,000

2. Appendix 1 to Import Regulation 1, Revision 5, as amended, is amended by adding a new entry in Group V and adding a new Group VIII. As amended the new entries read as follows:

APPENDIX I—ARTICLES SUBJECT TO IMPORT REGULATION 1, REVISION 5, AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA YEAR

Articles by TSUS item numbers	Base period	Annual import quota (pounds)	Non-historical set aside (pounds)
* * *	* * *	* * *	* * *
Group V:			
* * *	* * *	* * *	* * *
Cheese, and substitutes for cheese containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States; if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound (Item 980.10E).	July 1, 1969, to June 30, 1970		
Denmark		6,680,000	668,000
United Kingdom		791,000	79,100
Ireland		756,500	75,650
West Germany		100,000	10,000
Poland		385,600	38,560
Australia		123,600	12,360
Iceland		64,300	6,430
Other		None	None
* * *	* * *	* * *	* * *
Group VIII: [2]			
Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, schedule 1, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection) (Item 950.16).	July 1, 1969, to June 30, 1970		
United Kingdom		930,000	None
Ireland		3,750,000	None
Other		None	None

[FR Doc.71-9433 Filed 6-30-71;9:41 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 355]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.655 Valencia Orange Regulation 355.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 29, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 2, 1971, through July 8, 1971, are hereby fixed as follows:

(i) District 1: 104,000 cartons;

(ii) District 2: 346,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-9457 Filed 6-30-71;11:38 am]

[Lime Reg. 31]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Shipments

On June 17, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11655), regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 35 F.R. 16626), regulating the handling of limes grown in Florida. The proposed regulation was recommended by the Florida Lime Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective time. Shipments of Florida limes are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the regulation herein specified for the period July 1 through April 30, 1972, is identical with that currently in effect; the recommendation and supporting information for regulation during the period June 7, 1971 through April 30, 1972, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee

on May 20, 1971, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting and thereafter with respect to the June 17, 1971, notice of proposed rule making; the provisions of this regulation, are identical with the recommendations of the committee and as contained in the said notice, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with this regulation, will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The recommendations by the Florida Lime Administrative Committee reflects its appraisal of the Florida lime crop and the current and prospective market conditions. Shipments of limes are currently being made subject to grade and size limitations which became effective June 7, 1971 (36 F.R. 10721). The grade and size requirements specified herein are the same as those in effect during the period June 7–30, 1971, and are necessary to prevent the handling, on and after July 1, 1971, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

§ 911.333 Lime Regulation 31.

(a) Order: During the period July 1, 1971, through April 30, 1972, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color:

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least 85 percent U.S. No. 1 quality, except as to color: *Provided*, That not less than an aggregate area of three-fourths of the surface of each fruit shall meet the minimum color requirement for "mixed color": *And provided further*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet color requirements set forth in U.S. Standards for Persian (Tahiti) Limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective terms in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-9369 Filed 6-29-71;12:35 pm]

[Peach Reg. 2]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Container and Pack Regulation

Notice was published in the FEDERAL REGISTER issue of June 9, 1971 (36 F.R. 11103) that the Department was giving consideration to a proposal to establish container and pack regulations for peaches pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR 917; 36 F.R. 7510) regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was submitted by the Peach Commodity Committee, established pursuant to said amended marketing agreement and order. Said regulation would establish container marking and pack specifications hereinafter set forth applicable to fresh peaches to provide standardized packages of uniformly sized peaches which which would promote orderly marketing of this fruit consistent with the declared policy of the act and the interests of producers and consumers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Peach Commodity Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that Peach Regulation 2, as hereinafter provided, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act in that it will facilitate more efficient handling of peaches and contribute to more effective operations under said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are already in progress and this regulation insofar as practicable should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 11103), and no objection to this regulation or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time thereof.

§ 917.424 Peach Regulation 2.

(a) On and after July 4, 1971, no handler shall handle any package or container of any variety of peaches except in accordance with the following terms and conditions:

(1) Such peaches, when place-packed in packages or containers in rows, shall conform to the requirements of standard pack.

(2) Each package or container of peaches shall bear in plain sight and in plain letters, on one outside end, the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(3) Each package or container of peaches still bear on one outside end, in plain sight and in plain letters, the size of the peaches in the container, which size shall be not smaller than the minimum size requirements set forth in Peach Regulation 1 (§ 917.421; 36 F.R. 11803) in the following manner, as applicable:

(i) When packed in the 22D standard lug box, the number of peaches in the box, e.g. "88 size," "96 size," etc.

(ii) When packed in a 12B standard peach box, the number of peaches in the box, e.g. "65 size," "70 size," etc.

(iii) When jumble packed in a 22D standard lug box or when packed in containers other than the 22D standard lug box or the 12B standard peach box in accordance with the requirements of standard pack, the equivalent size designation of such peaches shall be shown as if such peaches were packed in a 22D standard lug box in accordance with the requirements of standard pack, e.g. "88 size," "96 size," etc.

(4) The difference in diameter between the smallest and largest peach in

any individual container shall not be greater than three-eighths inch: *Provided*, That a total of not more than 5 percent, by count, of the peaches in a package or container may fail to meet this requirement.

(b) When used herein "standard pack" shall have the same meaning as set forth in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title) the term "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

Dated June 28, 1971, to become effective July 4, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 71-9331 Filed 6-30-71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 71-8516 appearing on page 11634 in the issue for Thursday, June 17, 1971, the word "produces" in the 10th line of amendatory paragraph 2 should be "producers".

[CCC Farm Storage and Drying Equipment Loan Program Regs., Amdt. 7]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

MISCELLANEOUS AMENDMENTS

The subpart of Part 1474, Title 7, Code of Federal Regulations, published in the FEDERAL REGISTER of July 1, 1967 (32 F.R. 9510), and amended in the FEDERAL REGISTER of December 14, 1967 (32 F.R. 17888), June 1, 1968 (33 F.R. 8221), January 24, 1969 (34 F.R. 1132), May 30, 1969 (34 F.R. 8361), April 1, 1970 (35 F.R. 5397), and February 13, 1971 (36 F.R. 2960), is further amended as follows:

1. Section 1474.4 is amended to permit the making of loans for the purpose of providing farm storage on the farm for baled hay stored for emergency purposes, as well as for the other commodities listed therein, and to specify the basis for computing the need for storage of baled hay. As amended, § 1474.4 reads as follows:

§ 1474.4 Eligible borrowers.

(a) *Definition.* For commodities other than baled hay, an "eligible borrower" shall be any person who as landowner, landlord, tenant, or sharecropper (1) produces one or more of the following eligible commodities: Corn, oats, barley, grain sorghum, wheat, rye, soybeans, flaxseed, rice, dry edible beans, peanuts (hereinafter called "price support commodities"), and sunflower seed, and (2) needs the proposed farm storage and drying equipment for the storage or conditioning of one or more of such eligible commodities. For baled hay, an "eligible borrower" shall be any person who as landowner, landlord, tenant, or sharecropper (3) participates in the cotton, feed grain, or wheat set-aside program and is authorized to harvest hay from set-aside acreage and store it for emergency purposes, and (4) needs storage to store such hay in bales. The term "person" shall mean any individual or individuals competent to enter into a binding contract, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. If two or more eligible borrowers join together in the purchase and erection, installation, or construction of eligible farm storage or drying equipment, each such borrower shall sign all documents and shall be liable jointly and severally with respect to the loan.

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however*, That in making this determination (1) production of a price support commodity on a farm shall not be included unless the applicant either is or indicates he will be eligible for price support on the commodity, (2) one year's estimated production of eligible crops shall be used in determining whether the proposed drying equipment is needed, (3) the maximum storage space for which a loan may be made for commodities other than baled hay shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for the storage of eligible commodities is less than the storage capacity necessary to store 2 years' production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates and (4) the maximum storage space for which a loan may be made for baled hay storage shall be the amount by which the total capacity of existing storage are baled for hay is less than the capacity necessary to store 2 years' production (estimated) of baled hay which the producer is authorized to harvest from set-aside acres. If the capacity of the storage to be purchased or erected by the applicant exceeds the need as determined above, the application may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

2. Section 1474.5 is amended to (1) revise paragraph (a) to include structures designed for wet storage and for baled hay in the definition of "farm storage" and to clarify the matter of storage and equipment sold by CCC under its security documents, (2) revise paragraph (b)(8) to provide that conditioning, handling, and operating equipment must be of the type designed for use with dry storage and to prohibit the inclusion of items of equipment in loans for baled hay storage, and (3) to delete paragraph (b)(2). The revised portions of § 1474.5 read as follows:

§ 1474.5 Loans to purchase eligible storage or drying equipment.

(a) *General.* Loans will be made only for the purchase, construction, erection, or installation of farm storage and drying equipment meeting the eligibility requirements in paragraph (b) of this section. For commodities other than baled hay, the term "farm storage" means new or newly constructed structures of conventional design (cribs, bins, buildings) and structures designed primarily for wet storage (oxygen-limiting and other silo-type structures) providing, in the case of structures designed for wet storage, the structure is of weathertight construction and suitable for use for dry storage. For baled hay, the term "farm storage" means a new or newly constructed structure, which, in the opinion of the county committee, is of the type normally used for the storage of baled hay in the area and will be of a permanent-type construction. The term "farm storage" also means used storage structures (including the real estate upon which located, if any) to be purchased from CCC. Loans may be made for multipurpose structures provided that the area or space to be used for storage is isolated or closed off from other use areas, and provided further that only the costs of the portion or space used for storage will be included in determining the amount of the loan. The term "drying equipment" means new continuous-flow type dryers, or new drying systems with wagons or trailers as integral parts thereof, or new batch or in-store drying systems (including integral parts and equipment) using heated or unheated air, equipment which conditions or facilitates drying by aerating, circulating or stirring the commodity, or used drying equipment (including the real estate upon which located, if any) to be purchased from CCC. For the purpose of this program, used farm storage and used drying equipment sold by CCC under the provisions of its security documents may be considered to be "purchased from CCC".

(b) *Eligibility requirements.* (1) If the farm storage or drying equipment is purchased from a vendor, when the loan is approved such vendor must be approved under a supplier's agreement made on Form CCC-308.

(2) [Deleted]

(3) Farm storage or drying equipment shall not be delivered to the farm more

than 30 days prior to the date of the application for the loan.

(4) Loans may be approved to cover the net cost of new materials and off-farm labor to be used in constructing new storage or drying equipment.

(5) Loans may be approved for the purchase of used farm storage or drying equipment only if it is purchased from CCC.

(6) Farm storage shall not be of a type (such as bags, snow fences, etc.) which requires the weight of the commodity stored to maintain its shape.

(7) Farm storage must, in the opinion of the county committee, have a usable life of at least 10 years.

(8) Loans on storage and drying equipment may include the conditioning, handling, and operating equipment considered essential to the practical operation of the proposed storage or drying unit, and loans may be approved to add individual items of equipment to an existing storage or drying unit when the equipment is considered necessary to make the existing unit more practical and efficient: *Provided, however,* That any conditioning, handling, or operating equipment to be eligible for a loan or for inclusion in a loan shall be of the type designed for use with dry storage: *Provided further,* That no equipment shall be eligible for inclusion in a loan for baled hay storage.

(9) Farm storage or drying equipment must include such ladders and simple safety devices as the county committee may require.

(c) *Loan proceeds not available.* Loan proceeds shall not be available to provide storage or drying equipment for commercial use or for the storing or drying of commodities which the borrower intends to purchase or to store or condition for others. Any farm storage or drying equipment which is located in working proximity to any commercial storing or drying operation shall be deemed to be a part of such operation. The foregoing does not preclude a borrower, who has qualified for a loan for drying equipment to dry his own commodities, from drying commodities for his neighbor.

3. In § 1474.8, paragraph (b) is revised to specify the amount for loan which shall apply to loans for wet storage and baled hay storage. The revised paragraph reads as follows:

§ 1474.8 Amount of loan and loan application approvals.

* * * * *

(b) *Amount of loan.* The amount of any loan, including those for wet storage and baled hay storage, shall not result in an aggregate outstanding balance in excess of $35,000 and shall not exceed (1) 85 percent of the net cost of the applicant's needed farm storage and drying equipment, or (2) the prorated cost for the applicant's farm storage which is needed and suitable for the storage of the commodities when a farm storage structure has a larger capacity than the applicant's needed farm storage.

* * * * *

4. Section 1474.15 is revised to clarify the assumption provisions in cases involving death, incompetency, or disappearance of the borrower. The revised paragraph reads as follows:

§ 1474.15 Sale or conveyance of security and assumption of loan indebtedness.

(a) The collateral securing a loan shall be sold by CCC when a loan has been called and not repaid or when the borrower requests the county committee to sell the collateral before repaying the loan. When the borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to the county committee for approval of the sale or convenyance on behalf of CCC.

(b) Assumptions of loans may be approved by CCC in the case of a sale of the storage or equipment by CCC or the borrower under paragraph (a) of this section or in the event of the death, incompetency, or disappearance of the borrower. Request for approval of such assumptions shall be made to the county committee by the borrower or the successors or representatives of a borrower. If such approval is granted, the borrower or his successors or representatives shall execute an assumption agreement with the purchaser or the party assuming the loan. The assumption agreement shall be in the form prescribed by CCC and may provide for the assumption of the unpaid balance of both the principal amount of the loan and the interest computed to the date of the assumption and any other charges which may be provided for in the loan application and approval and in the security instruments furnished by the borrower pursuant to §1474.7.

(Secs. 4 and 5(b), 62 Stat. 1070–1072, as amended; 15 U.S.C. 714b 714c(b))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (7–1–71).

Signed at Washington, D.C., on June 29, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-9388 Filed 6-29-71;3:37 pm]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-578]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the reference to the State of Indiana in the introductory portion of paragraph (e) and paragraph (e) (1) relating to the State of Indiana are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264–1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes portions of Wabash and Kosciusko Counties in Indiana from the area quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Indiana remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of June 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-9311 Filed 6-30-71;8:49 am]

[Docket No. 71-579]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act

of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(5) relating to the State of Texas, subdivision (iii) relating to Williamson, Bell, and Coryell Counties is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes all of Williamson and Bell Counties and a portion of Coryell County in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Williamson, Bell, or Coryell Counties in Texas remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of June 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-9312 Filed 6-30-71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-5]

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

Withdrawal of Designation of Transition Area

On May 14, 1971, F.R. Doc. 71-6698 was published in the FEDERAL REGISTER (36 F.R. 8863) amending Part 71 of the Federal Aviation Regulations by designating the Tuskegee, Ala., transition area.

Subsequent to publication of the rule, it was determined that the instrument approach procedure (VOR-A) to Moton Field, necessitating the designation, would not be implemented.

In consideration of the foregoing, the amendment contained in Airspace Docket No. 71-SO-5 (F.R. Doc. 71-6698) is withdrawn.

(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 East Point, Ga., on June 21, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-9301 Filed 6-30-71;8:49 am]

[Dockets Nos. 10037, 10397; Amdts. Nos. 91-89; 121-75; 127-25]

FASTENING OF SAFETY BELTS

The purpose of these amendments to Parts 91, 121, and 127 of the Federal Aviation Regulations is to require that each occupant of an aircraft fasten his safety belt during the takeoff and landing of that aircraft, and to exempt airships from the requirement to have safety belts.

These amendments are based on two notices of proposed rule making: Notice 69-55, issued on December 18, 1969, and published in the FEDERAL REGISTER on January 8, 1970 (35 F.R. 324), and Notice 70-23, issued on June 24, 1970, and published in the FEDERAL REGISTER on June 30, 1970 (35 F.R. 10596).

Part 123 certificate holders (Air Travel Clubs) and Part 135 certificate holders (Air Taxi Operators) are subject to the requirements of this amendment, since § 123.27 requires compliance with § 121.311 and operations conducted under Part 135 with small aircraft are subject to the requirements of § 91.14 prescribed herein. However, operations conducted under Parts 121, 123, and 127 are expressly excluded from the seat and safety belt requirements of § 91.14, since those operations are subject to the requirements prescribed for them in Parts 121 and 127.

Many of the comments objecting to the proposed safety belt requirement erroneously supposed that the "separate use" provisions for Parts 121 and 127 operations applied to Part 91 operations. It is not intended that separate seats nor separate safety belts be required for operations conducted under Part 91. The amendment requires separate seats and safety belts only for those operations that must comply with either Part 121 or 127. Part 91 requires only that each person on board occupy a seat or berth with a safety belt properly secured about him.

Other comments stated that the proposed amendments are not justified, or are trivial, or are not enforceable. In spite of these objections, we believe adoption of the proposal will serve a useful purpose, and will contribute to safety in air commerce. The fact that each person on board an aircraft engaged in Part 91 operations must be notified to fasten his safety belt provides a level of safety not now provided. The wording of § 91.14 has been changed from the notice to make it clear that it is the responsibility of the pilot in command to ensure that all persons on board the aircraft have been notified to fasten their safety belt. In the exercise of this responsibility, the pilot in command may assign to other crewmembers the function of notifying the passenger. This responsibility should rest with the pilot in command, since he is in the best position to know when the takeoff or landing is imminent.

Other comments objected to the requirement for seats and safety belts because it would conflict with the conventional practices of sports parachute jumpers. In recognition of the fact that jumpers usually sit on the floor of the aircraft where the seats have been removed, this amendment adds a provision which permits jumpers engaged in sports parachuting to use the floor of the aircraft as a seat. However, in the interest of safety, we consider it necessary that sports parachute jumpers use safety belts, particularly since it is not uncommon for the door of the aircraft to be removed during such activities.

Upon consideration of comments received, this amendment excludes airships from the safety belt requirement in § 91.33 and makes the requirement in § 91.14 for the use of safety belts applicable to all aircraft except airships, including experimental aircraft, gliders, and aircraft being operated under special flight authorizations.

Although several persons stated that weight rather than age should be used to determine who should be required to use safety belts, the weight criteria would be more difficult to implement; therefore, the age criteria is retained.

Comments received from Part 127 operators and the Aerospace Industries Association of America, Inc., have convinced us that scheduled air carriers using large helicopters should continue to be authorized to permit two children who have not reached their 12th birthday to use one safety belt in a single seat if the strength requirement of the seat and the safety belt are not exceeded. Accordingly, the amendment retains this authority, with language to make the safety belt fastening requirement consistent with the provisions of other paragraphs in the amendment.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 91, 121, and 127 of the Federal Aviation Regulations are amended, effective August 30, 1971, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By adding the following new section, designated § 91.14, after § 91.13:

§ 91.14 Fastening of safety belts.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off or land a U.S. registered civil aircraft (except an airship) unless the pilot in command of that aircraft ensures that each person on board has been notified to fasten his safety belt.

(2) During the takeoff and landing of U.S. registered civil aircraft (except airships), each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth, and a person on board for the purpose of engaging in sport parachuting may use the floor of the aircraft as a seat.

(b) This section does not apply to operations conducted under Part 121, 123, or 137 of this chapter. Paragraph (a)(2) of this section does not apply to persons subject to § 91.7.

2. By amending the first sentence of § 91.33(b)(12) to read:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates: instrument and equipment requirements.

* * * * *

(b) * * *

(12) Except as to airships, approved safety belts for all occupants who have reached their second birthday. * * *

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

3. By amending paragraphs (a) and (b) of § 121.311 to read:

§ 121.311 Seat and safety belts.

(a) No person may operate an airplane unless there are available during the takeoff, en route flight, and landing—

(1) An approved seat or berth for each person on board the airplane who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the airplane who has reached his second birthday, except that two persons occupying a berth may share one approved safety belt and two persons occupying a multiple lounge or divan seat may share one approved safety belt during en route flight only.

(b) During the takeoff and landing of an airplane, each person on board shall occupy an approved seat or berth with a separate safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth. A safety belt provided for the occupant of a seat may not be used during takeoff and landing by more than one person who has reached his second birthday.

* * * * *

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

4. By amending § 127.109 to read:

§ 127.109 Seat and safety belt.

(a) No person may operate a helicopter unless there are available during the takeoff, en route flight, and landing—

(1) An approved seat for each person on board the helicopter who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the helicopter who has reached his second birthday.

(b) During the takeoff and landing of a helicopter, each person on board shall occupy an approved seat with a safety belt properly secured about him. A person who has not reached his second birthday may be held by an adult who is occupying a seat. However, notwithstanding the provisions of this section, in the case of children who have reached their second birthday, but not their 12th birthday, a safety belt may be used for two in a single seat if the strength requirements of the seat and the safety belt are not exceeded.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 21, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-9304 Filed 6-30-71;8:49 am]

[Docket No. 11184; Amdt. 763]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and

good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective July 8, 1971:

Green Bay, Wis.—Austin-Straubel Airport; VOR Runway 12, Amdt. 10; Revised.
Green Bay, Wis.—Austin-Straubel Airport; VOR/DME Runway 36, Original; Established.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective July 29, 1971:

Beaumont, Tex.—Jefferson County Airport; VOR Runway 11, Amdt. 1; Revised.
Lewistown, Mont.—Lewistown Municipal Airport; VOR Runway 7, Amdt. 7; Revised.
McCook, Nebr.—McCook Municipal Airport; VOR Runway 12, Amdt. 3; Revised.
McCook, Nebr.—McCook Municipal Airport; VOR Runway 30, Amdt. 3; Revised.
Miami, Fla.—Miami International Airport; VOR Runway 12, Amdt. 17; Revised.
Pasco, Wash.—Tri-Cities Airport; VOR Runway 20R, Amdt. 10; Revised.
Pasco, Wash.—Tri-Cities Airport; VOR Runway 29, Original; Established.
Pasco, Wash.—Tri-Cities Airport; VOR Runway 29R, Amdt. 8; Revised.
Waco, Tex.—Waco Municipal Airport; VOR Runway 14, Amdt. 13; Revised.
Lynchburg, Va.—Lynchburg Municipal Preston Glenn Field; VOR/DME Runway 21, Amdt. 3; Revised.
Perryville, Mo.—Perryville Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Waco, Tex.—Waco Municipal Airport; VOR/DME Runway 32, Amdt. 5; Revised.

3. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective July 8, 1971:

Green Bay, Wis.—Austin-Straubel Airport; LOC (BC) Runway 24L, Amdt. 7; Revised.

4. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective July 29, 1971:

Lexington, Ky.—Blue Grass Airport; LOC (BC) Runway 22, Amdt. 9; Revised.
Miami, Fla.—Miami International Airport; LOC (BC) Runway 9R, Amdt. 6; Revised.
Miami, Fla.—Miami International Airport; LOC (BC) Runway 27R, Amdt. 7; Revised.
Miami, Fla.—Miami International Airport; Parallel LOC (BC) Runway 27R, Amdt. 2; Revised.
Waco, Tex.—Waco Municipal Airport; LOC (BC) Runway 36, Amdt. 3; Revised.

5. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective July 8, 1971:

Green Bay, Wis.—Austin-Straubel Airport; NDB Runway, Amdt. 8; Revised.

6. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective July 29, 1971:

Alexandria, La.—Esler Field; NDB Runway 26, Original; Established.
Basking Ridge, N.J.—Somerset Hills Airport; NDB-A, Amdt. 4; Revised.
Beaumont, Tex.—Jefferson County Airport; NDB Runway 11, Amdt. 8; Revised.
Ludington, Mich.—Mason County Airport; NDB Runway 25, Amdt. 1; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 1, Amdt. 25; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 7R, Amdt. 2; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 19, Amdt. 2; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 25L, Original; Established.
Shelby, Mont.—Shelby Airport; NDB Runway 23, Amdt. 1; Revised.
Waco, Tex.—Waco Municipal Airport; NDB Runway 18, Amdt. 8; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 8, 1971.

Green Bay, Wis.—Austin-Straubel Airport; ILS Runway 6R, Amdt. 9; Revised.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 29, 1971:

Alexandria, La.—Esler Field; ILS Runway 26, Amdt. 2; Revised.
Cleveland, Ohio—Cleveland Hopkins International Airport; ILS Runway 5R/5L, Amdt. 8; Revised.
Denver, Colo.—Stapleton International Airport; ILS Runway 35, Amdt. 10; Revised.
Fort Worth, Tex.—Meacham Field; ILS Runway 17, Amdt. 22; Revised.
Lynchburg, Va.—Lynchburg Municipal Preston Glenn Field; ILS Runway 3, Amdt. 6; Revised.
Miami, Fla.—Miami International Airport; ILS Runway 9L, Amdt. 9; Revised.
Miami, Fla.—Miami International Airport; Parallel ILS Runway 9L, Amdt. 3; Revised.
Miami, Fla.—Miami International Airport; ILS Runway 27L, Amdt. 9; Revised.
Miami, Fla.—Miami International Airport; Parallel ILS Runway 27L, Amdt. 2; Revised.
Milwaukee, Wis.—General Mitchell Field; ILS Runway 1, Amdt. 28; Revised.
Milwaukee, Wis.—General Mitchell Field; ILS Runway 7R, Amdt. 4; Revised.
Waco, Tex.—Waco Municipal Airport; ILS Runway 18, Amdt. 5; Revised.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective July 29, 1971:

Decatur, Ala.—Pryor Field; Radar-1, Amdt. 1; Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport Carl T. Jones Field; Radar-1, Amdt. 1; Revised.
Milwaukee, Wis.—General Mitchell Field; Radar-1, Amdt. 14; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 23, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-9194 Filed 6-30-71;8:46 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-47; Amdt. 26]

PART 399—STATEMENTS OF GENERAL POLICY

National Environmental Policy Act of 1969

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of June 1971.

The Civil Aeronautics Board's policy statement entitled Implementation of the National Environmental Policy Act of 1969 (14 CFR 399.110) has been in effect since June 25, 1970. Its purpose was to indicate the manner in which the Board would exercise its responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852), which requires Federal agencies to make detailed statements on certain specified environmental considerations in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. Prior to making such statement, the agency is required to consult with and obtain the comments of other appropriate Federal, State, and local agencies with special expertise or jurisdiction by law with respect to any environmental impact involved, for the purpose of assessing and avoiding potential adverse effects and restoring or enhancing environmental quality to the fullest extent practicable. The Board's policy statement was adopted in consideration of the above and in light of the Interim Guidelines established by the Council on Environmental Quality on April 30, 1970 (35 F.R. 7390-7393).

On April 23, 1971 the Council on Environmental Quality issued revised Guidelines (36 F.R. 7724-7729) on environmental impact statements prepared under section 102(2)(C) of the National Environmental Policy Act of 1969. The revisions in the Guidelines apply to proposed Federal Agency actions for which draft environmental impact statements are circulated after June 30, 1971. Section 3 of the Guidelines directs all agencies to establish, in consultation with the Council and by July 1, 1971, formal procedures with respect to the requirements imposed by the revisions in the Guidelines and consonant therewith.

In view of the Board's experience during the past year relating to the procedures established by its policy statement, and in order to implement the revisions contained in the Council's Guidelines, the Board has deemed it desirable to amend its policy statement. The revised policy statement, established in consultation with the Council, is set forth below.

Since the amendment provided for herein is a general statement of policy, notice and public procedure are unnecessary and the amendment may be made

effective immediately. Nonetheless, the Board invites all interested persons who desire to submit written comments or suggestions in connection with the amendment to submit twelve (12) copies of such comments or suggestions to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Consideration will be given to such submissions with the view to possible further amendments. Copies of the submissions will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 399.110 of Part 399, Statements of General Policy (14 CFR Part 399), effective July 1, 1971, as follows:

1. Revise paragraphs (a)(2) and (b)(1).

2. Amend paragraph (c) by renumbering subparagraph (2) as subparagraph (3), making certain changes therein, and adding a new subparagraph (2).

3. Amend paragraph (d)(3) by adding a footnote thereto, renumbering subdivisions (i), (ii), (iii), (iv), and (v) as (ii), (iii), (iv), (v), and (vi), respectively, and adding a new subdivision (i).

4. Amend paragraph (d) by renumbering subparagraph (5) as subparagraph (6), making certain additions thereto, and adding new subparagraphs (5) and (7).

5. Redesignate paragraph (f) as paragraph (g) and add a new paragraph (f).

The amended portions of § 399.110 read as follows:

§ 399.110 Implementation of the National Environmental Policy Act of 1969.

(a) * * *

(2) This policy statement sets forth the procedure which the Board will follow in complying with section 102(2)(C) of the Act. That section requires the Board to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement on certain specified environmental considerations. Prior to making the detailed statement, the Board is required to consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

* * * * *

(b) * * *

(1) The Department of Transportation, the Environmental Protection Agency, and any other Federal agency which, according to Appendix II of the guidelines published by the Council on Environmental Quality on April 23, 1971 (36 F.R. 7727), has jurisdiction by law or special expertise with respect to the anticipated environmental impact; and

* * * * *

(c) * * *

(2) To the extent that proposals for legislation initiated by the Board and rulemaking proceedings not decided on the basis of records developed at hearings may constitute actions which might significantly affect the quality of the human environment, such actions will be carried out in accordance with the procedures for draft and final environmental statements contained in sections 6–9 of the Guidelines of the Council on Environmental Quality (the present Guidelines may be found at 36 F.R. 7724–7729).[1]

(3) Nothing in this paragraph shall be construed as limiting the types of cases in which the Board may consider the environmental impact of a proposed action.

(d) * * *

(3) The record shall include, to the extent appropriate, material relating to the following environmental considerations:[2]

(i) A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact. Where relevant, maps should be provided,

(ii) The environmental impact of the proposed action,

(iii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iv) Alternatives to the proposed action,

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

* * * * *

(5) In general, each environmental impact statement contained in an initial decision of a hearing examiner or a decision of the Board will be accompanied by a summary thereof incorporating the substance of Appendix I of the Guidelines of the Council on Environmental Quality (36 F.R. 7727). In addition, each decision will indicate at its outset the pages at which the environmental impact statement and the summary thereof can be found. In the case of proposals for legislation or rulemaking proceedings subject to section 102(2)(C) of the National Environmental Policy Act of 1969 for which draft and final environmental statements have been prepared, each such statement shall be accompanied by a summary sheet of one page in the form delineated by Appendix I of the Council's Guidelines.

(6) Ten (10) copies of the Board's decision (together with a copy of all written comments pertaining to environmental considerations received from Federal, State, and local agencies and from private organizations and individuals participating in the proceeding) will be filed with the Council on Environmental Quality in the Executive Office of the President. Copies of the Board's decision and the aforementioned comments will also be made available to the public as provided by 5 U.S.C. 552 and Part 310 of this chapter. For the purposes of this paragraph, a Board decision shall include, where applicable, the initial decision of a hearing examiner, a decision of the Board whether embodied in an opinion or in an initial decision adopted by the Board, and a decision of the Board on reconsideration.

(7) The Board believes that the time available for agency and public comment on proposed economic licensing and rulemaking actions, beginning with the order or notice instituting the proceeding and extending through the evidentiary and decisional processes, including, where applicable, the initial decision of a hearing examiner and possible reconsideration of Board decisions, will in almost all cases suffice to permit meaningful consideration of the environmental issues involved and will satisfy the minimum ninety (90) day period specified in section 10(b) of the Guidelines of the Council on Environmental Quality during which no administrative action subject to section 102(2)(C) of the National Environmental Policy Act is to be taken. Accordingly, the Board does not specifically incorporate that requirement herein. However, to the maximum extent practicable, no Board action incorporating an environmental statement shall become finally effective sooner than thirty (30) days after such decision has been made available to the Council on Environmental Quality and the public, as required by the Guidelines. With respect to proposals for legislation to which section 102(2)(C) of the National Environmental Policy Act applies, whenever possible the final text of the environmental statement and comments thereon should be available to Congress and to the public in support of the proposed legislation.

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[1] These provisions describe the content of environmental statements, indicate the nature of consultations between the Board and other expert agencies, provide procedures for implementation of section 309 of the Clean Air Act, where applicable, and delineate the nature of State and local review of proposed Board actions. We have not prescribed the procedures in detail in this policy statement inasmuch as our experience has shown that few, if any rulemaking proceedings or proposals for legislation will require environmental statements. If and when it becomes desirable to delineate more detailed procedures the policy statement will be amended to provide therefor.

[2] The listed considerations are to be construed in conformity with the more detailed discussion thereof in the Guidelines of the Council on Environmental Quality (the present Guidelines may be found at 36 F.R. 7724–7729).

except that a draft statement may be submitted pending transmittal of the final statement and comments in cases where the scheduling of congressional hearings on the proposed legislation does not allow adequate time for the completion of a final text of an environmental statement.

* * * * *

(f) The Board will continue to review its experience in the implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 and this policy statement and will report thereon to the Council on Environmental Quality as required. To this end, and with the view to possible further revision of this policy statement, the Board invites all interested persons to submit written comments or suggestions for the Board's consideration.

* * * * *

(Secs. 204(a), 1001, Federal Aviation Act of 1958, 72 Stat. 743, 788, 49 U.S.C. 1324, 1481; sec. 102(2)(C), National Environmental Policy Act of 1969, 83 Stat. 853)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-9241 Filed 6-30-71;8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs. (Amdt. 25)]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 371, 379, and 385 are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: June 30, 1971.

RAUER H. MEYER, *Director, Office of Export Control.*

PART 371—GENERAL LICENSES

1. In Supplement No. 1, Exceptions to Country Group Z Validated License Requirement, Entry Numbers 53(7), 57(7), 657(1), 671(7), 672(5), 673(4), 674(5), 675(6), 677(3), 678(8), 679(3), 7196(4), 72920(6), 7295(89), 7299(43), 84(1), 862(6), and 89300(14) are amended to read as follows:

53(7) Dyeing, tanning, and coloring materials, natural and synthetic; and Pigments paints, varnishes, and related materials, except those listed in entries No. 53 (*1*) through (*6*).

57(7) Commodities classified under Schedule B Nos. 571.1100 through 571.4030, except hunting and sporting ammunition, n.e.c.; and parts, n.e.c.; and those listed in entries No. 57 (*1*) through (*5*).

657(*1*) Carpets, rugs, linoleum and other floor coverings; tapestries; and mats, screens, and other items of vegetable plaiting materials.

671(7) Spiegeleisen; pig iron, including cast iron; iron or steel shot, angular grit and wire pellets; iron or steel powders; sponge iron or steel; and ferroalloys, except those listed in entries No. 671 (*1*) through (*5*).

672(*5*) Ingots and other primary forms, iron or steel, except (a) those containing 6 percent or more cobalt or a total of 35 percent or more of alloying elements, (b) AISI type 309–S–Cb–Ta, (c) other alloy steel coils for rerolling, and (d) those listed in entries No. 672 (*1*) and (*3*).

673(*4*) Bars, rods, angles, shapes, and sections, iron or steel, except (a) those containing 6 percent or more cobalt or a total of 35 percent or more of alloying elements, (b) AISI type 309–S–Cb–Ta, and (c) those listed in entries No. 673 (*1*) through (*3*).

674(*5*) Uncoated plates and sheets, iron or steel, except alloy steel and those listed in entries No. 674 (*1*) through (*4a*); and tin mill products.

675(*6*) Carbon or alloy steel hoop and strip, except (a) AISI type 309–S–Cb–Ta, (b) those containing a total of 35 percent or more of alloying elements, and (c) those listed in entries No. 675 (*1*) through (*5a*).

677(*3*) Carbon or alloy steel wire, coated or uncoated, except (a) glass to metal sealing alloy containing 6 percent or more cobalt, (b) AISI type 309–S–Cb–Ta, or (c) those containing a total of 35 percent or more of alloying elements; and (d) those listed in entries No. 677 (*1*) and (*2*).

678(*8*) Cast iron pressure and soil pipe; welded, clinched, or riveted steel tubes and pipes; electrical and high pressure hydro-electric conduits, all steel grades; and iron or steel tube and pipe fittings; except (a) tubes and pipes: (1) Nickel-bearing stainless steel, (2) AISI type 309–S–Cb–Ta, or (3) containing a total of 35 percent or more of alloying elements, (b) forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. and designed for a working pressure of over 300 p.s.i. as determined by American Petroleum Institute test, and (c) those listed in entries No. 678 (*1*) through (*6*).

679(*3*) Carbon and alloy steel or grey iron and malleable iron castings and forgings in the rough state, except (a) AISI type 309–S–Cb–Ta, (b) those containing a total of 35 percent or more alloying elements, and (c) those listed in entries No. 679 (*1*) and (*2*).

7196(*4*) Calendering machines and similar rolling machines; dishwashing, bottling, canning, cleaning, packaging, wrapping, filling, and sealing machines; weighing machines and scales; sprayers and spraying equipment; automatic merchandising machines; railway track fixtures and fitttings, n.e.c.; signaling and controlling equipment, mechanical, not electrically powered, for road, rail, water, or airfield traffic; and parts, n.e.c.

72920(*6*) Filament lamps (bulbs and tubes) up to and including ¾-inch base; single coil tungsten filaments; filament bulbs over three-quarter inch, the following only: carbon, clear, frosted, incandescent, metal, photoflood, and projection; and parts, n.e.c.

7295(*89*) Electricity supply meters; and instruments, n.e.c. for measuring, analyzing, indicating, recording, or testing electric or electronic quantities or characteristics, except digital volt meters, wave-form measuring and/or analyzing instruments operating at frequencies of 300 MHz or less; and those listed in entries No. 7295 (*1*), (*2*), and (*4*) through (*88*).

7299(43) Capacitors for electronic applications, except those listed in entries No. 7299 (*29*), (*29a*), and (*30*); other capacitors, except aircraft; brush plates, electrical carbon brushes, and lighting carbons, except electrodes and electrical carbons, and those listed in entries No. 7299 (*19*) through (*24*); resistor-capacitor assemblies and subassemblies, except those listed in entries No. 7299 (*27*) and (*29*); and electric windshield wipers; and parts, n.e.c.

84(*1*) Commodities classified under Schedule B Nos. 841.1103 through 842.0200.

862(*6*) Prepared photographic chemicals, the following only: developers, except those listed in entries No. (*1*) and (*1a*), fixers, intensifiers, reducers, toners, clearing agents, and flashlight materials; except photoresist formulations based on naturally occuring glues, gums, gelatins, albumens, shellacs, or lacquers.

89300(*14*) Finished articles (other than laminates and unsupported film, sheet, and other shapes) of artificial plastic materials, n.e.c., except nonflexible fused fiber optic plates or bundles, and those listed in entries No. 89300 (*1*) through (*12*).

PART 379—TECHNICAL DATA

2. In § 379.4(e)(1), subdivisions (ii) and (iii) are amended in the following respects:

a. In subdivision (ii), the second entry under No. 7192 is amended to read as follows:

7192 Axial flow, mixed flow, and centrifugal air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1; [1] and specially designed parts and accessories, n.e.c.

b. In subdivision (iii), the entry designated (*e*) is amended to read as follows and entry (*u*) is deleted:

(*e*) Rotary drill rigs incorporating rotary tables and with drawworks designed for an input of 150 hp. and over (other than truck-mounted drill rigs incorporating rotary tables with drawworks designed for an input of up to 900 horsepower); and work-over rigs (Export Control Commodity Nos. 718 and 732);

* * * * *

(*u*) [Deleted]

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

3. Section 385.1 is amended to read as follows:

§ 385.1 Country Group Z.

(a) *North Korea and the Communist-controlled Area of Vietnam.* For foreign policy as well as for national security reasons, the prior approval of the Department of Commerce is required to export or reexport virtually any U.S.-origin commodity or technical data to

North Korea or to the Communist-controlled area of Vietnam. The general policy is to deny all applications for licenses to export or requests for authorizations to reexport commodities or technical data to these destinations.

(b) *People's Republic of China.* Supplement No. 1 to Part 371 of this chapter lists certain nonstrategic commodities that may be exported to the People's Republic of China without a validated export license. Applications for validated licenses to export, and requests for authorization to reexport, other commodities as well as technical data to the People's Republic of China are considered on a case-by-case basis in the manner described for Country Group Y in § 385.2. Authorization to incorporate U.S.-origin components in foreign-made products destined for the People's Republic of China are also considered on a case-by-case basis.

(c) *Cuba.* As part of the U.S. government's foreign policy and in conjunction with the policies of the Organization of American States to isolate the Castro regime and to counter its threat to the Western Hemisphere, the prior approval of the Department of Commerce is required to export or reexport virtually any U.S.-origin commodity or technical data to Cuba. The general policy of the Department is to deny all applications or requests to export or reexport commodities and technical data to this destination, except for certain humanitarian transactions.

[FR Doc.71-9267 Filed 6-30-71;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Imminent Hazard to Public Health

In the FEDERAL REGISTER of December 9, 1970 (35 F.R. 18679), the Commissioner of Food and Drugs proposed a statement of interpretation and policy defining an "imminent hazard to the public health" within the meaning of the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act.

In response, comments were received from individuals, from manufacturers and distributors of foods, drugs, and toys, and from associations representing industry and consumers. The comments can be summarized as follows:

1. The proposal is invalid insofar as it relates to the Federal Food, Drug, and Cosmetic Act in that:

a. Section 507 of the act does not contain "imminent hazard" provisions authorizing the summary removal of antibiotic drugs from the market.

b. The statute precludes delegation to the Commissioner of the authority conferred upon the Secretary of Health, Education, and Welfare by the "imminent hazard" provisions of sections 505 and 512 to suspend approval of an application for a new drug or a new animal drug.

c. The proposal defines an "imminent hazard to the public health" and does not define an "imminent hazard to the health of man or of the animals for which the drug is intended," the criteria in section 512.

2. The proposal should provide for the declaration of an "imminent hazard" only in the absence of equally effective alternative measures. In such instances, interested persons who would be adversely affected should be given advance notice and an opportunity to advance arguments against the issuance of such a declaration.

3. Because of the dissimilarity between those products subject to the Federal Food, Drug, and Cosmetic Act and those subject to the Federal Hazardous Substances Act, a separate defining statement should be promulgated under each act.

4. The proposal is improper to the extent that it permits consideration of the number of anticipated injuries as a factor in the exercise of the judgment whether an "imminent hazard" exists; whereas, if the anticipated injury is not trivial, the fact that only a few people may be harmed is irrelevant.

5. To the extent that the proposal defines an "imminent hazard" as other than a hazardous substance presently in distribution, the definition is contrary to the terms and purposes of the Child Protection and Toy Safety Act of 1969 (Public Law 91-113, which amended the Federal Hazardous Substances Act).

The Commissioner has evaluated the comments and finds that:

1. The proposal is not invalid as it relates to the Federal Food, Drug, and Cosmetic Act:

a. Section 507 of the act, while not explicitly containing the term "imminent hazard," does require that regulations promulgated to provide for certification of antibiotic drugs contain provisions necessary to assure the safety and efficacy of such drugs. To effectuate these purposes, 21 CFR 146.1 provides that an order issuing, amending, or repealing an antibiotic drug certification regulation may be made effective immediately when the Commissioner finds it necessary to deal with an imminent hazard to the public health. The proposed definition is intended to be applied in such a situation.

b. Sections 505 and 512 provide nondelegatable authority for the Secretary to suspend approval of an application for a new drug or a new animal drug if he finds there is an imminent hazard to the public health. This definition of imminent hazard will be the standard used by the Commissioner in making his recommendations to the Secretary on whether or not an "imminent hazard" exists regarding a new drug or new animal drug.

c. The term "imminent hazard to the public health" includes the concept of "imminent hazard to the health of man or of the animals for which the drug is intended," as those words are used in the Animal Drug Amendments of 1968.

2. The proposed definition does not preclude the Commissioner's employing equally effective alternative remedies when available. He would, under appropriate circumstances, consult with interested persons before arriving at a final conclusion that an "imminent hazard" exists.

3. The definition of "imminent hazard" is meant to apply to, and does apply to, all products subject to the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act. The impact on the public health of an "imminent hazard" will be substantially the same whatever the type of product.

4. The definition does not preclude the finding of an "imminent hazard" solely because the anticipated injuries are few in number. On the contrary, it is intended to provide notice that even few anticipated injuries may result in a finding of "imminent hazard" if the nature, severity, and duration of the anticipated injury so warrants.

5. Distribution in interstate commerce of a hazardous product does not in and of itself warrant a finding that the product necessarily presents an "imminent hazard" to the public health. Were this not so, this additional category of hazard in the statutes would not be needed.

Therefore, having considered the comments received and other relevant information, the Commissioner concludes that the proposal should be adopted without change. Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 512, 701(a), 52 Stat. 1052-53, as amended, 1055, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 355, 357, 360b, 371(a)) and the Federal Hazardous Substances Act (secs. 2, 3, 10(a), 74 Stat. 372-75, as amended, 378; 15 U.S.C. 1261-62, 1269), and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 3:

§ 3.73 Imminent hazard to the public health.

(a) Within the meaning of the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act, an imminent hazard to the public health is considered to exist when the evidence is sufficient to show that a product or practice, posing a significant threat of danger to health, creates a public health situation (1) that should be corrected immediately to prevent injury and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held. The "imminent hazard" may be declared at any point in the chain of events which may ultimately result in harm to the public health. The occurrence of the final anticipated injury is not essential to establish that an "imminent hazard" of such occurrence exists.

(b) In exercising his judgment on whether an "imminent hazard" exists,

the Commissioner will consider the number of injuries anticipated and the nature, severity, and duration of the anticipated injury.

(Secs. 505, 507, 512, 701(a), 52 Stat. 1052–53, as amended, 1055, 59 Stat. 463, as amended, 82 Stat. 343–51, 21 U.S.C. 355, 357, 360b, 371(a); secs. 2, 3, 10(a), 74 Stat. 372–75, as amended, 378, 15 U.S.C. 1261–62, 1269)

Dated: June 24, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-9290 Filed 6-30-71;8:48 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl Phosphorodithioate, S-Ester With 4-(Mercaptomethyl)-2-Methoxy-Δ^2-1,3,4-Thiadiazolin-5-One

Correction

In F.R. Doc. 71-8986 appearing at page 12094 in the issue of Friday, June 25, 1971, the reference to "(PP 0F4892)" in the first line of the first paragraph should read "(PP 0F0892)".

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Government National Mortgage Association, Department of Housing and Urban Development

[Docket No. R-71-125]

PART 1600—GENERAL

Power of Attorney

Section 1600.11(c) is amended by revoking the power of attorney of Philip J. Lynch and granting the power of attorney to John J. Deisher in subparagraph (18). As amended, § 1600.11(c) reads:

§ 1600.11 **Power of attorney.**

* * * * *

(c) The persons appointed attorneys-in-fact by paragraph (a) of this section are:

* * * * *

(18) John J. Deisher, of Philadelphia, Pa.

* * * * *

(Sec. 309, 82 Stat. 540; 12 U.S.C. 1723a; By-laws of the Association, 35 F.R. 2606, Feb. 5, 1970)

Issued at Washington, D.C., June 28, 1971.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.71-9354 Filed 6-30-71;8:50 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

[Docket No. R-71-109]

FEDERAL CRIME INSURANCE PROGRAM

Pursuant to title XII of the National Housing Act (added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21), as amended by title VI of the Housing and Urban Development Act of 1970 (Public Law 91-609, Dec. 31, 1970); 5 U.S.C. 553; and delegation of authority by the Secretary of Housing and Urban Development (34 F.R. 2680, Feb. 27, 1969, as amended by 36 F.R. 1364, Jan. 28, 1971), the Federal Insurance Administrator published in the FEDERAL REGISTER (36 F.R. 9314-28, May 22, 1971) a notice of proposed rule making in which he proposed to issue regulations pertaining to the new direct Federal crime insurance program authorized by the Act (12 U.S.C. 1749bbb-10a, et seq.) as a new Subchapter C of Chapter VII of Title 24.

The purpose of this new subchapter is (1) to inform the general public concerning the manner in which the crime insurance program will operate, the States in which the insurance will initially be sold, and the eligibility requirements for its purchase; (2) to offer to all licensed property insurance agents and brokers in eligible States an opportunity to sell Federal crime insurance and to set forth the conditions of the offer; and (3) to prescribe the rules and regulations for the general operation of the program, as well as the specific insurance policy forms that will be required.

A public hearing was held on June 11, 1971, to explain the crime insurance program in greater detail and to receive written and oral comments on the proposed regulations from the approximately 150 persons in attendance. Speakers included representatives of members of Congress; State and local officials; insurance trade associations, including company, agent, broker, and adjuster associations; business organizations; and consumer and public interest organizations. A total of 57 written or oral statements or subsequent comments were received.

The proposed regulations and revisions were then discussed on June 22, 1971, on the basis of all comments received, with the Advisory Board established pursuant to 12 U.S.C. 1749bbb-1, in accordance with 12 U.S.C. 1749bbb-17; and the Board's comments and advice have been fully taken into consideration in the preparation of the final regulations, which are hereby adopted and shall become effective August 1, 1971.

Principal changes in the adopted regulations from the version originally proposed are the following: (1) Agents' commissions, as set forth in § 1930.4(c) have been changed from 17, 15, and 13 percent in territories 01, 02, and 03, respectively, and 10 percent on renewal, to 16, 15, and 14 percent and 12 percent on renewal; (2) both residential and commercial crime insurance rates have been lowered for higher limits of coverage; (3) deductibles for commercial properties having annual gross receipts under $50,000 and under $25,000 have been lowered to $150 and $100, respectively, in place of the previous $200; (4) rules pertaining to cancellations and renewals have been clarified; (5) provision has been made for nonprofit and public institutions to purchase coverage at premium rates based upon operating budgets; and (6) a total of 12 States have been determined to have a critical unresolved problem of crime insurance unavailability as of the effective date of the new regulation.

Accordingly, Chapter VII of 24 CFR is amended by adding Subchapter C, containing Parts 1930, 1931, 1932, 1933, and 1934, as set forth below.

SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

Sec.
1930.1 Definitions.
1930.2 Description of program.
1930.3 Operation of program and inapplicability of State laws.
1930.4 Offer to agents and brokers to sell Federal crime insurance.
1930.5 Duties of servicing companies.
1930.6 Names and addresses of servicing companies. [Reserved]

AUTHORITY: The provisions of this Part 1930 issued under sec. 1237, 82 Stat. 566; 12 U.S.C. 1749bbb-17.

§ 1930.1 Definitions.

(a) As used in this subchapter and in the crime insurance policies issued by the Federal Insurance Administrator, unless otherwise defined in the text of such policies—

(1) The following terms shall be defined as set forth in § 1905.1 of this chapter: Act, Administrator, Binder, Person, Property owner, Secretary, State and State insurance authority;

(2) "Adjuster" means any person engaged in the business of adjusting loss claims arising under property insurance policies issued by an insurance company. The term also includes the staff adjusters of servicing companies;

(3) "Affordable rate" means such premium rate as the Secretary determines would permit the purchase of a specific type of insurance coverage by a reasonably prudent person in similar circumstances with due regard to the costs and benefits involved. For the purposes of the sale of Federal crime insurance, the rates set forth in Part 1933 of this chapter shall be deemed affordable;

(4) "Agent or broker" means any person authorized to engage in the property insurance business as an agent or broker under the laws of any State;

(5) "Crime insurance" means insurance against losses resulting from robbery, burglary, larceny, and similar crimes, as more specifically defined and limited in Part 1933 of this chapter and in the various crime insurance policies

issued by the insurer. The term does not include automobile insurance or losses resulting from embezzlement;

(6) "Deductible" means the fixed amount or percentage of any loss not covered by an insurance policy. The amount of the deductible must be exceeded before insurance coverage takes effect;

(7) "Eligible premises" means a property eligible for crime insurance coverage under one or more of the types of policies described in Part 1933 of this chapter;

(8) "Insurance company" means any property insurance company, or group of companies, authorized to engage in the insurance business under the laws of any State;

(9) "Insurer" means the Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

(10) "Policyholder premium" means the total insurance premium payable by the insured for the coverage or coverages provided under any insurance policy;

(11) "Program" means the Federal crime insurance program authorized by title VI of the Housing and Urban Development Act of 1970 (Public Law 91-609, Dec. 31, 1970), set forth principally in 12 U.S.C. 1749bbb-10a, et seq.;

(12) "Protective device" means any structural, mechanical, electrical, chemical, or other physical obstacle or device that can be utilized by a property owner to prevent or deter crime or to minimize losses;

(13) "Protective measure" means any protective device or other measure or procedure employed to prevent or deter crime or to minimize losses; and

(14) "Servicing company" means an insurance company or other organization that has entered into an agreement with the insurer to issue and service Federal crime insurance policies on the insurer's behalf in one or more States or areas eligible for the sale of such insurance.

(b) Technical or trade terms used in this subchapter or in the crime insurance policies issued by the Federal Insurance Administrator and not otherwise defined therein shall be deemed to have the most general meaning they have in the standard crime insurance policies providing similar coverages issued by private insurance companies.

§ 1930.2 Description of program.

(a) Title VI of the Housing and Urban Development Act of 1970 (Public Law 91-609, approved Dec. 31, 1970) authorizes the Secretary of Housing and Urban Development on and after August 1, 1971, to make crime insurance available at affordable rates in any State in which a critical market unavailability situation for crime insurance exists that has not been met through appropriate State action. The Secretary is directed to conduct a continuing review of the market availability situation in each of the several States to determine whether crime insurance is available at affordable rates either through the normal insurance market or through a suitable program adopted under State law. The Secretary's basic authority under this title has been delegated to the Federal Insurance Administrator.

(b) The purpose of the delayed effective date for the Federal program is to give the private property insurance industry and the State insurance authorities an opportunity to solve the crime insurance unavailability problem through the establishment of appropriate programs under the authority of State law. Where adequate State solutions to the price and market problems are adopted, Federal crime insurance will not be sold.

(c) In States where the sale of Federal crime insurance is undertaken, policies will initially be sold primarily through agents and brokers licensed to engage in the insurance business within the State for which the policy is written. Policies may also be purchased from the appropriate servicing company.

(d) Lists of States designated as eligible for the sale of Federal crime insurance will be published from time to time in § 1931.1 of this chapter, subject to periodic revisions pursuant to determinations by the Federal Insurance Administrator that a critical crime insurance market unavailability or prohibitive cost situation exists in a particular State, or that the standard lines of crime insurance have become available at affordable rates either through a suitable State program or through the private insurance market.

§ 1930.3 Operation of program and inapplicability of State laws.

(a) The crime insurance program authorized by the Act is a direct Federal program, and its operations, receipts, and funds are exempt from any form of Federal, State, or local taxation in accordance with section 1250 of the Act (12 U.S.C. 1749bbb-20). In carrying out the program, the Administrator is authorized to define terms (section 1203 (b); 1749bbb-2(b)), to issue regulations (section 1247; 1749bbb-17), to establish premium rates (section 1233; 1749bbb-10c), to prescribe terms, conditions, and limits of coverage (section 1231(b); 1749bbb-10a(b)), and to make use of the existing facilities and services of insurance companies, agents, and brokers as fiscal agents of the United States (section 1232; 1749bbb-10b).

(b) No Federal crime insurance policy issued by or on behalf of the insurer shall be subject to any State or local tax or insurance law or regulation, nor shall any agent, broker, or servicing company be subject thereto with respect to any monies received or action taken in providing insurance to the public under the authority of this subchapter; and no insurance policy shall be written by any agent, broker, or servicing company in the name or on behalf of the insurer in any form, or on terms and conditions, or with limits of coverage, or at premium rates, other than those then currently prescribed by the insurer. Failure by any insurance company, broker, or agent to comply with this requirement may result in the immediate suspension or debarment of the violator from any further participation in the program.

(c) Nothing in this § 1930.3 shall be construed as authorizing or denying any State or subdivision thereof the right to impose any income or other tax on fees, commissions, or profits earned by agents, brokers, or servicing companies solely for their own account.

§ 1930.4 Offer to agents and brokers to sell Federal crime insurance.

(a) Pursuant to the authority contained in section 1232 of the Act (12 U.S.C. 1749bbb—10b), the insurer hereby offers to pay to any eligible agent or broker a commission in an amount equal to the specified percentage of the applicable policyholder premium with respect to each Federal crime insurance policy he procures for an eligible property owner, in accordance with the provisions of this subchapter. The actual submission of a valid and complete application resulting in the issuance of a policy to an eligible insured, all on approved forms and in accordance with the provisions of this subchapter, shall be deemed an acceptance of this offer, subject to avoidance from the inception of the policy in the event of fraud or misrepresentation and to cancellation by the insurer (for any of the reasons set forth in § 1931.7 of this chapter) or by the insured, and provided the agent or broker at the time of submitting the application for the prospective insured promptly transmits the gross amount of the policyholder premium then due to the servicing company designated by the insurer for the applicable area and complies, with respect to such policy, with any additional procedural requirements the servicing company may then have imposed with the consent of the insurer. It shall be a further condition of this offer that the agent or broker must certify on the application that he has fully carried out the duties set forth in the "Agent's Duties" section of the applicable Federal crime insurance manual, which shall include explaining to the prospective insured the nature of the coverage provided, the applicable protective device requirements, and the penalties for material misrepresentations. The amount of the commission shall be prorated in the event of the cancellation of any validly issued policy, and the agent or broker shall repay to the servicing company the amount of any unearned commission applicable to the then current term of the policy resulting from any such cancellation.

(b) Commissions earned by eligible agents and brokers under the authority of paragraph (a) of this section shall be paid to them in a lump sum by the servicing company either monthly or on such other equitable basis as the insurer may approve.

(c) The specified commission percentages of the policyholder premium for both residential and commercial insurance coverages shall be the following: Initial policies, territory 01, 16 percent;

02, 15 percent; 03, 14 percent; and for all renewal business, the commission shall be 12 percent. The renewal commission rate shall apply to any property that has previously been insured under the program unless the lapse of time since the termination of the previous policy is in excess of 2 years: *Provided*, That the commission for any such renewed policy shall be deemed payable only to the agent or broker, if any, who actually submits the renewal application or who is identified by the insured on the renewal application as having explained the protective device requirements applicable to the renewal policy.

(d) No service, placement, or other fee shall be charged by any agent, broker, or servicing company to any applicant or property owner under the program.

(e) For the purposes of this offer, an eligible agent or broker means an agent or broker who is, at the time of making application for the policy, authorized to act as an agent or broker with respect to the State where the insured premises are located and who has not been suspended or debarred by the insurer. An eligible property owner is an applicant whose premises to be insured are located in a State then currently designated as eligible for the sale of Federal crime insurance in § 1931.1 of this chapter.

(f) Neither this § 1930.4 nor any acceptance of this offer shall be deemed to confer upon any agent or broker any authority to act for, represent, or bind the insurer or the United States except as otherwise expressly provided herein.

§ 1930.5 Duties of servicing companies.

(a) The general duties of servicing companies shall be as set forth in this § 1930.5, subject to the provisions of the actual contracts entered into with such companies by the insurer.

(b) Except as otherwise required by their contracts with the insurer, servicing companies shall:

(1) Provide information to eligible property owners and to interested agents and brokers within the servicing area;

(2) Provide crime insurance manuals to eligble agents and brokers within the servicing area;

(3) Supply application forms and notice and proof of loss forms to eligible agents and brokers and to prospective applicants on request;

(4) Maintain, control, and account for applications for insurance received from eligible agents, brokers, and applicants;

(5) Verify the eligibility of applicants for the coverages sought;

(6) Issue policies only on forms prescribed and supplied by the insurer, or else promptly notify applicants (through the appropriate agent or broker, if any) of ineligibility;

(7) Deposit the applicant's premium check in a special bank account. If no policy is issued, refund the amount of the premium to the applicant through the agent or broker, if any;

(8) Issue periodic commission payment checks to cooperating agents and brokers;

(9) Provide statistical and accounting records, coding, and reports, in hard copy and machine-readable forms, as specified in the insurer's statistical plan and accounting instructions, and as may be specifically requested by the insurer, all in timely fashion;

(10) Receive, control, and account for all crime insurance claims submitted within its servicing area;

(11) Verify claims data and existence of required protective devices, adjust losses as required by insurer through an impartial selection of adjusters, and promptly pay all valid claims;

(12) Bill policyholders directly for premiums at least 45 days in advance of due dates, and send a copy of each premium or renewal notice to the agent or broker of record, if any;

(13) Periodically obtain updated applications or certifications from insureds for verification and incorporation in statistical and accounting records.

§ 1930.6 Names and addresses of servicing companies. [Reserved]

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Sec.

AUTHORITY: The provisions of this Part 1931 issued under sec. 1237, 82 Stat. 566; 12 U.S.C. 1749bbb–17.

§ 1931.1 States eligible for the sale of crime insurance.

(a) In accordance with section 1231 of the Act (12 U.S.C. 1749bbb–10a), the Administrator has reviewed the market availability situation in each of the several States to determine whether crime insurance is available at affordable rates either through the normal insurance market or through a suitable program adopted under State law.

(b) On the basis of the information available to date, the Administrator has concluded that the following States have an unresolved critical market unavailability situation which will necessitate the implementation of the Federal crime insurance program within such States on August 1, 1970:

California.	Michigan.
Connecticut.	Missouri.
District of Columbia.	New York.
Illinois.	Ohio.
Maryland.	Pennsylvania.
Massachusetts.	Rhode Island.

(c) If any of the States listed in paragraph (b) of this section, after the effective date of this subchapter, adopts a suitable program under State law to make the standard lines of crime insurance available within that State at affordable rates, or if such insurance becomes generally available through the normal insurance market at affordable rates, then in either case the eligibility of such State for the subsequent sale of crime insurance under the Program will be promptly terminated by the insurer.

(d) Notwithstanding the provisions of § 1931.7, Federal crime insurance policies in force at the time a State is determined to be ineligible for further participation in the program shall thereupon be terminated upon 30 days' written notice to the policyholder effective on the next 6-month anniversary date of the policy, and no further coverage for such policyholder with respect to premises located in such State shall thereafter be written unless the State again becomes eligible under the program.

§ 1931.2 Eligibility requirements applicable to property owners.

(a) To be eligible for the purchase of Federal crime insurance under the program, a property owner or tenant must:

(1) Apply separately for coverage for each eligible premises within an eligible State and personally sign each application. The program will not initially provide for any policy endorsements;

(2) Certify, under penalty of Federal law pertaining to fraud or misrepresentation (18 U.S.C. 1001), that each such premises meets the applicable protective device standards set forth in Part 1932 of this chapter;

(3) Pay the 6-month premium installment due at the time of application. Coverage will commence at noon on the day following the date of application unless a later date is specified in the application;

(4) Agree to permit inspections of the insured premises by the insurer or his representative at any reasonable time or times; and

(5) Agree to report to law enforcement authorities all crime losses of property covered under each policy, whether or not a claim is filed.

(b) Failure to comply fully with the requirements of paragraph (a) of this section may result in the avoidance, cancellation, or nonrenewal of coverage, as set forth in § 1931.7.

(c) Any false statement in the application may void the policy. Intentionally false or misleading statements, either in the application or in connection with any claim submitted under the program, may also result in prosecution for fraud under 18 U.S.C. 1001, in accordance with § 1931.9.

§ 1931.3 Use of prescribed forms required.

No Federal crime insurance is authorized to be written under the program on any form other than the form prescribed by the insurer for the type of coverage involved. Any insurance policy purportedly issued on behalf of the insurer or any other form shall not be binding upon the insurer and shall not confer any

liability upon the insurer by reason of any act or representation of the agent, broker, or servicing company in illegally causing such policy to be issued.

§ 1931.4 Terms and conditions of policy to govern.

(a) Except as otherwise specifically provided by this subchapter, the respective rights and duties of the insurer and the insured shall be as set forth in the prescribed application form and the prescribed policy form. All purchasers of Federal crime insurance shall be deemed to have knowledge of the terms and conditions of coverage set forth in such policies and in this subchapter. Although the insurer will endeavor to provide actual notice of policy changes through the appropriate servicing company, modifications of this subchapter that are made during the term of an existing policy shall automatically become applicable to the policy at the time of its next renewal. All Federal crime insurance policies shall be issued for a term of 1 year, subject to semiannual premium payments.

(b) The rights of the insurer to require inspections of the insured premises, production of books and records, appraisals of damaged property, subrogation in the event of payment, and prompt notice in the event of loss, shall be as specified in the prescribed policy, of which the application forms a part. The rights of the insured with respect to the coverages provided, extensions of coverage outside the insured premises or with respect to other persons, limits of such coverages, appraisals, cancellations, and judicial review shall be as set forth in the prescribed policy.

§ 1931.5 Where to purchase coverage.

Subject to the provisions of this subchapter, Federal crime insurance coverage may be purchased from any property insurance agent or broker authorized to do business in the State in which the premises to be insured are located, or directly from the appropriate servicing company.

§ 1931.6 How to report claims.

Losses under a Federal crime insurance policy which exceed the applicable deductible may be reported either to the agent or broker through whom the application was submitted, or directly to the servicing company designated for the area in which the loss occurs. The claimant will be required to report all pertinent information, including a description of the loss, time, place, ownership, manner of acquisition, cost, depreciation, current value, amount of claim, and whether the insured has incurred previous losses under the policy. A sworn proof of loss statement must be submitted to the adjuster or servicing company that processes the claim.

§ 1931.7 Cancellations, modifications, and renewals of coverage.

(a) Unless coverage has previously been canceled or renewal is refused by the insurer for one or more of the reasons set forth in this part, each property owner within an eligible State who is validly insured under any policy or policies of insurance issued under the Federal crime insurance program shall be entitled to renew (i.e., to purchase the then current and applicable form of crime insurance) coverage upon the expiration of such existing policy or policies. The renewal shall be subject to the rules, regulations, and policy terms, conditions, and rates then in effect.

(b) A renewal notice will be sent by the servicing company to the insured at least 45 days prior to the expiration date of each policy, accompanied by a premium statement and a renewal application containing a certification to be executed by the insured stating that his premises meet the then applicable Federal crime insurance eligibility requirements, which will be set forth in the notice. The 6-month premium installment then due, together with the insured's certification as required, must be received by the servicing company not later than the expiration date of the previous policy in order to prevent a lapse in coverage. If timely payment is received, no new policy will normally be issued, and an eligible insured's check or receipt shall constitute his proof of payment. However, if timely payment is not received, or if substantial changes have been made in the regulations or provisions governing the pertinent crime insurance coverage during the term of the insured's previous coverage, a new policy in its entirety may be issued. Reinstatement of lapsed policies by servicing companies shall not be permitted.

(c) Since the initial phase of the Federal crime insurance program does not provide for any policy endorsements, changes in limits of coverage may be made only upon the submission of a new or renewal application. If the insured requests that such changes be made effective on the 6-month anniversary date of the original effective date of the policy, no penalty will be incurred and the changed limits of coverage will commence upon the payment of any additional premium required. However, if the property owner desires an effective date other than such 6-month policy anniversary date, the requested change shall be effected only upon cancellation and reissuance of the policy and the insured shall be entitled only to a partial refund of the unearned premium in accordance with normal short-rate cancellation procedures. Such short-rate cancellation procedures shall also be applicable to any cancellation by the insured during the term of any policy, except at the time of the 6-month anniversary date of the original effective date of such policy or upon the insured's moving from the described premises.

(d) Notwithstanding any unqualified cancellation provisions contained in the prescribed policy forms, the insurer hereby limits his right to cancel, or to refuse to renew coverage, to the following grounds: (1) Any nonpayment of premium, (2) fraud or misrepresentation in the application or upon any renewal of coverage, or in connection with either, (3) fraud or misrepresentation in connection with the submission of a claim, (4) the use of the insured premises with the knowledge of any insured for any illegal activity, or (5) any other substantial failure to comply with the provisions of this subchapter or of the insurance policy, as determined by the insurer and stated in its notice of cancellation. Cancellations on any of the grounds in subparagraph (2), (3), or (4) of this paragraph may, at the discretion of the insurer, be made retroactive to the date of the first known wrongful act. Refunds of unearned premiums, if any, shall be subject to offsets for the insurer's administrative expenses (including the payment of agents' commissions in prior years, if any) in connection with the issuance of the policy and any inspections of the applicant's premises. Cancellations by the insurer for either of the remaining two grounds, or as provided by paragraph (e) of this section, shall be upon 30 days' written notice, and the insured shall be entitled to a short-rate refund of unearned premium, if any.

(e) Willful or repeated failures of an insured to report to law enforcement authorities any losses of property covered under the policy, as required by § 1931.2(a)(5), may be deemed by the insurer to warrant cancellation of coverage upon 30 days' written notice. However, such failure may be waived by the insurer prior to cancellation for good cause shown.

(f) No property owner whose Federal insurance coverage has been canceled (whether from inception or after notice) or for whom the insurer has refused to renew coverage, for any of the reasons in subparagraph (2), (3), (4), or (5) in paragraph (d) of this section or under paragraph (e) of this section, shall be eligible for any further insurance under the program except upon the written waiver of the Administrator, granted for good cause shown. If granted, the waiver of ineligibility must be presented to the appropriate agent, broker, or servicing company by the property owner within 30 days of the date it is granted, and a copy thereof shall be made a part of the property owner's application and shall be incorporated as part of any policy subsequently issued.

§ 1931.8 Inquiries and complaints.

(a) Inquiries or complaints about the Federal crime insurance program should initially be directed to the property owner's agent or broker, or to the servicing company designated for the area in which the premises are located.

(b) Inquiries or complaints with respect to which satisfactory information or action cannot be obtained through local sources, and general or legal inquiries pertaining to the nature of the program, may be addressed to the Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410.

§ 1931.9 Penalties for false statements.

All information provided by an applicant or a claimant on any form approved by the insurer, including representations as to the date on which such form is signed, shall be deemed material to the issuance of the policy applied for and to the disposition of claims submitted thereunder. Any false statement, misrepresentation, or concealment in the execution or submission of such forms, or in any writing or document knowingly submitted by the applicant or claimant in connection therewith, may result in his prosecution by the United States for fraud under 18 U.S.C. 1001, subject to a fine of not more than $10,000 or imprisonment of not more than 5 years, or both.

§ 1931.10 Nondiscrimination.

The Federal crime insurance program and all policies issued or serviced thereunder are subject to title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and to the applicable Federal regulations and requirements issued from time to time pursuant thereto. No persons shall be excluded from participation in, denied the benefits of, or subjected to discrimination under the program, on the ground of race, color, or national origin. Any complaint or information concerning the existence of any such unlawful discrimination in any matter within the purview of this subchapter should be referred to the Administrator.

PART 1932—PROTECTIVE DEVICE REQUIREMENTS

Subpart A—General

Subpart B—Residential Properties

Subpart C—Nonresidential Properties

AUTHORITY: The provisions of this Part 1932 issued under sec. 1237, 82 Stat. 566; 12 U.S.C. 1749bbb–17.

Subpart A—General

§ 1932.1 Definitions.

As used in this subchapter, the term—

(a) "Baffle" means a piece of metal that covers the opening between a door and its frame at the area of penetration of the bolt or latch to deter the insertion of tools and prevent the exertion of pressure against the bolt or latch;

(b) "Central station, supervised service alarm system" means a silent alarm system that is constantly in operation, which signals (upon any breach of a door, window, or other accessible opening to the protected premises) at a private sentry or guard headquarters that is attended and monitored 24 hours a day, that dispatches guards to the protected premises immediately upon the activation of the alarm, that periodically checks the operation and effectiveness of the system, and that notifies law enforcement authorities as soon as the breach of the premises is confirmed;

(c) "Dead bolt" means a locking device using a fixed bolt that, when in locked position, cannot be retracted by a door knob or handle or other normal door opening device or by the application of force against the penetrating end of the bolt;

(d) "Dead latch" means a locking device, usually spring-operated, that incorporates a feature to render the latch rigid in its locked position and incapable of release by prying or by the turning of an outside door knob or handle or similar door opening device;

(e) "Dead lock" means a locking device incorporating a lock that cannot be pushed or retracted into a door or window by the use of tools inserted between the frame of the door or window and the door or window itself. Except as otherwise indicated, a dead lock may be equipped with a dead bolt or a dead latch;

(f) "Double cylinder dead bolt lock" means a dead bolt lock that can be released from its locked position only by a key, whether on the inside or the outside of the door;

(g) "Local alarm system" means an alarm system that signals (upon any breach of a door, window, or other accessible opening to the protected premises) by means of one or more tamper protected sounding devices mounted on the exterior of the protected premises;

(h) "Silent alarm system" means an alarm system that signals at a location other than the premises where it is installed (upon any breach of a door, window, or other accessible opening to the protected premises), without giving warning at the location of the breached premises that it has been activated; and

(i) "Throw," when used in the context of a locking device, means the distance penetrated by that part of a bolt or latch on a door or window that actually penetrates into the fixed bolt or latch receptacle on the door or window frame.

§ 1932.2 Purpose of protective device requirements.

(a) Section 1231(b) of the Act (12 U.S.C. 1749bbb–10a(b)) provides that no Federal crime insurance shall be made available to a property which is deemed by the insurer to be uninsurable or to a property with respect to which reasonable protective measures to prevent loss, consistent with standards established by the insurer, have not been adopted.

(b) It is the intention of the insurer to require at the inception of the program only those protective devices generally in use or readily available for particular types and classes of properties at the present time. As the program progresses, however, the insurer proposes to amend these requirements from time to time to enforce a higher and more effective standard of protection against ordinary property crimes than now exists. Such revised requirements are not expected to be published more often than once a year and will be applicable only to crime insurance policies issued or renewed after their effective date.

§ 1932.3 Classification of properties.

The protective devices required under this part fall into two broad categories, residential and commercial. Requirements for residential properties are expected to remain relatively stable and are not likely to vary by classes. The protective devices required for commercial and industrial properties will vary greatly by the type of risk involved and will be changed periodically as experience and knowledge are gained under the program and from studies being undertaken by other public and private agencies.

§ 1932.4 Lack of protective devices voids policy.

(a) Each property owner applying for Federal crime insurance shall be personally responsible for meeting the protective device requirements applicable to the type of property for which he seeks insurance. Ignorance of such requirements shall not be deemed an excuse for any lack of compliance with the protective device requirements of this subchapter, and any person who is doubtful as to whether the protective devices existing on his premises at the time of application meet such requirements should seek competent technical advice before actually making application.

(b) Although agents and brokers are expected to assist and advise property owners as to the requirements for and adequacy of protective devices, no agent or broker shall be authorized to approve or disapprove on behalf of the insurer the adequacy of any required protective devices, and any representation to the contrary is false and shall be void.

(c) Premises found upon inspection to lack installation of the required protective devices shall be deemed to have been misrepresented at the time of application, and no insurance coverage shall be deemed to have attached, regardless of the length of time the policy ostensibly has been in force, unless the property owner can clearly establish that a removal of the protective devices actually occurred subsequent to the issuance of the policy, in which event the policy shall be deemed canceled by the insured as of the date of such removal.

(d) The insured shall promptly notify the servicing company of any malfunction or breakdown of protective devices and supply it with all relevant facts at the time the deficiency occurs. If such deficiency is corrected within the time specified by the servicing company, no lapse in coverage will result.

(e) Premises found upon inspection

to be deficient in meeting the then currently applicable protective device requirements because of the uncorrected inadequacy, inoperability, or malfunction of existing protective devices shall, in the absence of evidence of fraud or misrepresentation, be deemed to have been ineligible for coverage from the date of most recent application or renewal, whichever is applicable, and no coverage under the program shall exist with respect to such premises, regardless of the length of time the insured may have had coverage prior to such invalid application or renewal.

Subpart B—Residential Properties

§ 1932.21 Minimum standards for residences and apartments.

In order to be eligible for Federal crime insurance, a residential property shall be equipped either with (a) a baffle-protected, self-locking latch and a dead bolt or (b) with a self-locking dead latch on every exterior door and every door leading into garage areas or public hallways, except that each sliding door shall be equipped with a dead lock device of any kind. All first floor and basement windows, and all windows opening onto stairways, porches, platforms, or other areas affording easy access to the premises, shall be equipped with locking devices. All dead locks required by this section shall have a minimum throw of one-half inch or have interlocking bolts and striker.

Subpart C—Nonresidential Properties

§ 1932.31 Minimum standards for industrial and commercial properties.

The following requirements shall apply to all nonresidential properties as a condition of eligibility for Federal crime insurance:

(a) All exterior doors shall be equipped with dead latches with at least a ½-inch throw. Except where expressly prohibited by applicable laws pertaining to protection against fire, all exterior doors shall also be equipped with heavy duty, double cylinder, dead bolt locks, whose bolts extend at least 1 inch into the frame of the door, or which have interlocking bolts and striker. If applicable laws pertaining to protection against fire permit only single cylinder dead bolt locks, all exterior doors shall be equipped with such locks with at least a 1-inch throw, or else have locks with interlocking bolts and striker.

(b) All exterior grate or grill-type doors shall be secured by one or more padlocks with heavy duty, case hardened steel shackles, having a minimum five-pin tumbler operation and an unremovable key when in an unlocked position.

(c) All exterior doors shall be of heavy gauge metal, tempered glass, or solid wood core construction, not less than 1⅜ inches thick, or else shall be covered with metal sheeting of at least 16 gauge (1/16-inch thick) or its equivalent, or with grillwork, to give like protection;

(d) Outside hinge pins shall be welded, flanged, or screw-secured, nonremovable pins;

(e) Except where expressly prohibited by applicable laws pertaining to fire protection, accessible openings exceeding 96 square inches in area, and 6 inches in the smallest dimension, shall either meet standards for doors, or else shall be protected by inside or outside iron bars one-half inch in diameter, or by flat steel material spaced not more than 5 inches apart and securely fastened, or by iron or steel grills of ⅛-inch material of 2-inch mesh, securely fastened.

(f) The following types of establishments whose inventories pose a particularly heavy risk shall, as a minimum, be protected by the type of alarm systems indicated. If the system specified in subparagraph (1) of this paragraph is not available in the community in which the premises are located, the type of system specified in subparagraph (2) of this paragraph shall be permitted.

(1) Central stations, supervised service alarm systems shall be required for the following:

(i) Jewelry—manufacturing, wholesale, and retail:
(ii) Gun and ammunition shop;
(iii) Wholesale liquor;
(iv) Wholesale tobacco;
(v) Wholesale drug; and
(vi) Fur store.

(2) Silent alarm systems shall be required for the following:

(i) Liquor store;
(ii) Pawn shop;
(iii) Electronic equipment store;
(iv) Wig shop;
(v) Clothing (new) store;
(vi) Coin and stamp shop;
(vii) Industrial tool supply house;
(viii) Camera store; and
(ix) Precious metal storage facility.

(3) Local alarm systems shall be required for the following:

(i) Antique store;
(ii) Art gallery; and
(iii) Service station.

PART 1933—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

Subpart A—Residential Crime Insurance Coverage

Sec.
1933.1 Description of residential coverage.
1933.2 Limits of residential coverage.
1933.3 Amount of residential policy deductible.
1933.4 Residential crime insurance rates.
1933.5 Required residential policy form.

Subpart B—Commercial Crime Insurance Coverage

1933.21 Description of commercial coverage.
1933.22 Limits of commercial coverage.
1933.23 Amount of commercial policy deductible.
1933.24 Classification of commercial risks.
1933.25 Commercial crime insurance rates.
1933.26 Required commercial policy form.

AUTHORITY: The provisions of this Part 1933 issued under sec. 1237, 82 Stat. 566; 12 U.S.C. 1749bbb–17.

Subpart A—Residential Crime Insurance Coverage

§ 1933.1 Description of residential coverage.

(a) The purpose of this § 1933.1 is descriptive only, and it shall be subject to the express terms and conditions of the policy form prescribed in § 1933.5.

(b) The initial policy issued by the insurer for residential properties shall be known as the residential crime insurance policy. Subject to its terms, the policy reimburses an insured for loss from burglary and larceny incident thereto, robbery (including observed theft), or attempt thereat, of personal property from the premises or in the presence of an insured, and for damage to the premises caused by any such attempt. It also covers damage to the interior of the part of the building occupied by the named insured's household at the described premises, and to the insured property both therein and away from the premises, caused by vandalism or malicious mischief: *Provided*, That with respect to damage to the building an insured is the owner thereof or is liable for such damage. The policy is subject to the exclusions set forth therein.

(c) The residential crime insurance policy shall be written only for an individual, or for a single family or household, living in a one-to-four family house or as tenants in separate living quarters in an apartment building or dormitory. Premises in hotels (other than residence hotels where normal occupancy exceeds 6 months in duration), premises used in whole or in part for business purposes, are not eligible for coverage under the residential policy.

§ 1933.2 Limits of residential coverage.

The residential crime insurance policy may be written in amounts not less than $1,000 and not in excess of $5,000 for each insurable premises. Any amount of insurance, or fraction thereof, above a specified limit shall be charged the applicable rate for the next higher limit of coverage. Specified limits of coverage are set forth in § 1933.4.

§ 1933.3 Amount of residential policy deductible.

The residential crime insurance policy shall be subject to a deductible in the amount of $100 for each loss occurrence, or 5 percent of the gross amount of the loss, whichever is greater. The face amount of coverage specified in the policy is not reduced by the application of this deductible. Thus, if an insured having a $5,000 policy incurs a $5,000 covered loss, he would receive $4,750. If the loss were $6,000, he would receive the full $5,000.

§ 1933.4 Residential crime insurance rates.

The premium rates for the residential crime insurance policy vary according to the territory in which the insured premises are located, as set forth in Part 1934

of this chapter. Annual premiums for policy limits of $1,000, $2,000, $3,000, and $5,000 in each of these territorial classifications shall be as follows: (a) Territory 01 (low risk)—$30, $40, $50, and $60; (b) territory 02 (average risk)—$40, $50, $60, and $70; and (c) territory 03 (high risk)—$50, $60, $70, and $80.

§ 1933.5 Required residential policy form.

The following shall constitute the application form and the policy form for the residential crime insurance policy, and no other application form or policy form shall be used unless otherwise provided by this § 1933.5. Coverage will commence at noon on the day following the date of application unless a later date is specified in the application.

(a) Owner's or tenant's Residential Crime Insurance Policy application form:

CRIME INSURANCE PROGRAM

RESIDENTIAL CRIME INSURANCE POLICY

This Policy (of which this Application is a part) covers losses from burglary and larceny incident thereto, and robbery, including observed theft, subject to applicable limits and to a deductible, as stated below, and to Federal law and regulations.

FEDERAL INSURANCE ADMINISTRATION

(An Agency of the U.S. Government)

U.S. Department of Housing and Urban Development, Washington, D.C. 20410

APPLICATION

(Type or print heavily in ball point pen)

Policy No. _____

(Insert Social Security Number and add suffix "A," "B," "C," etc., for each separate Application where multiple premises are involved.)

Insured's Name and Mailing Address (Include County):

_____

_____

_____

Location of Premises (Including County, if different from mailing address):

_____

_____

_____

Effective date: _____

(Not earlier than noon on day following date of application)

Expiration Date: _____

(1 year from effective date)

Producer's Name and Address:

_____

_____

_____

Servicing Company's Name and Address:

_____

_____

_____

1. If not a single-family residence, describe type of building: _____

_____

2. Amount of insurance applied for ($5,000 maximum): $ _____

NOTE: Coverage is subject to a deductible of $100 or 5 percent of gross amount of any loss, whichever is greater.

3. (a) State whether you have ever previously insured these premises under the Federal crime insurance program: _____

(b) If so, give month and year when coverage was last in force: _____

(c) State reason coverage was terminated: _____

(d) If canceled, state whether canceled by the Insurer or by you: _____

_____

4. If answer to Question 3(a) is yes, did you ever have a claim under your previous policy? _____ Was it paid? _____

5. Do persons other than relatives reside in premises? Yes _____ No _____

If yes, list names _____

_____

APPLICATION—Continued

Premium Computation: (To be filled in by Agent, Broker, or Servicing Company)

Territory Code: _____ Amount of Coverage: _____

Amount of Annual Premium: $ _____

(One half of annual premium must accompany the Application and be in the form of a check or money order payable to the Federal Insurance Administrator.)

Program Utilization Data:

1. ☐ White (Nonminority)
2. ☐ Negro/Black
3. ☐ American Indian
4. ☐ Oriental
5. ☐ Spanish American
6. ☐ Other Minority

(The information concerning Minority Group Categories is requested for statistical purposes so the Department may determine the degree to which its programs are utilized by Minority families.)

Eligibility Requirements and Unusual Policy Provisions:

1. This Policy is subject to the crime insurance provisions of title VI of the Housing and Urban Development Act of 1970 (Public Law 91-609, December 31, 1970; 12 U.S.C. 1749 bbb-10a et seq.) and the regulations of the Federal Insurance Administration issued pursuant thereto (24 CFR 1930 et seq.). Renewals of this coverage shall be subject to the regulations in force at the time of such renewals.

2. Any false statement in the Application voids the Policy. Intentionally false or misleading statements may result in criminal prosecution under 18 U.S.C. 1001.

3. To be eligible for insurance under the Federal crime insurance program, the insured premises "Must" meet the requirements for protective devices established by the Federal Insurance Administration for that type of property. A list of these requirements is printed on the back of this form.

4. One half of the annual premium must be paid at the time of application. The second installment of the premium will be billed approximately 45 days before its due date and must be received by the servicing company on or before the due date.

5. All losses of property subject to coverage under this Policy must be reported to the law enforcement authorities (whether or not a claim is filed), or coverage under the Policy may be canceled by the insurer.

Certification by Applicant:

"I certify, under penalty of Federal law for fraud or misrepresentation as set forth in 18 U.S.C. 1001, (1) that the statements I have made in this Application, including the signature date set forth below, are true and correct to the best of my knowledge and belief, (2) that I have read the eligibility requirements above and the protective device requirements on the back of this form, and (3) that the insured premises meet such requirements.

"The producer has ☐ has not ☐ advised me about the required protective devices.

"I further agree to make the insured premises available for inspection in connection with this policy at any reasonable time; and I understand that if at the time of such inspection the insured premises are found not to be protected in the manner required, this Policy will be considered void from its inception and only the portion of the premium not absorbed by administrative expenses in connection with the issuance of such policy and the inspection will be refunded."

_____ _____

(Signature of Insured) (Date)

Certification by Agent or Broker:

"I certify, under penalty of Federal law for fraud or misrepresentation as set forth in 18 U.S.C. 1001, (1) that I am an agent or broker licensed in the State in which the premises are located, (2) that the date of this Application is correct, and is the date on which the Applicant submitted this completed Application to me, (3) that I have fully explained to the Applicant the nature of the protective device requirements which are a prerequisite for coverage under this policy, I also agree that in the event of cancellation of a Policy, I shall ratably refund to the Federal Insurance Administration commissions on the unearned portion of premiums at the same rate at which such commission was originally paid."

_____ _____

(Signature of Agent or Broker) (Date)

(b) Owner's or tenant's Residential Crime Insurance Policy form:

FEDERAL INSURANCE ADMINISTRATION

RESIDENTIAL CRIME INSURANCE POLICY

The Federal Insurance Administrator, herein called the Insurer, agrees with the insured, named in the Application made a part hereof, in consideration of the payment of the premium and in reliance upon the statements in the Application, and subject to (1) the provisions of title VI of Public Law 91-609 (12 U.S.C. 1749bbb-10a, et seq.) and Subchapter C, Chapter VII, Title 24 of the Code of Federal Regulations (24 F.R. 1930-1934), and (2) the limits of liability, exclusions, conditions, deductibles, and other terms of this Policy with respect to the following criminal acts:

Insuring Agreements

I. *Loss by burglary and larceny or robbery, including observed theft.* (a) To pay for loss by burglary and larceny incident thereto, or robbery, including observed theft, of all personal property from the premises or in the presence of an insured.

(b) To pay for loss of property while unattended in or on any motor vehicle or trailer other than public conveyance provided the loss is the result of forcible entry into a fully enclosed and locked luggage compartment, of which entry there are visible marks upon the exterior of said vehicle, but for not more than $500.

II. *Damage.* To pay for damage to the premises and to the insured property by burglary and larceny incident thereto, or robbery, including observed theft, or attempt threat, and for damage to the interior of that portion of any building occupied by the named insured's household at the premises and to the insured property therein or away from the premises by vandalism or malicious mischief: *Provided,* That with respect to damage to the building an insured is the owner thereof or is liable for such damage.

With respect to loss occurring at any part of the premises not occupied exclusively by the named insured's household, this insuring agreement applies only to property owned or used by an insured.

III. *Application of insurance while the premises are rented to another.* Such insurance as is afforded for loss at or damage to the premises applies while the premises are rented by an insured owner or tenant to another for use as a private residence only, subject to the following provisions:

1. The insurance applies only with respect to property owned by an insured.

2. The insurance does not apply (a) to money, securities, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, and articles of gold or platinum, furs, fine arts, antiques, coin or stamp collections, or (b) to loss caused by a tenant of such premises or any of his employees or members of his household.

IV. *Application of insurance while the premises are occupied by three or more persons not related to the named insured.* Such insurance as is afforded for loss at or damage to the premises applies while the premises are occupied by three or more persons not related to the named insured owner or tenant, subject to the following provisions:

1. The insurance applies only with respect to property owned by the named insured.

2. The insurance does not apply (a) to money, securities; gems, precious and semiprecious stones, gold or platinum (other than jewelry); antiques, coin or stamp collections; or (b) to loss caused by a tenant of such premises or any of his employees or members of his household.

3. Under this insuring agreement, the actual cash value of any one article of jewelry (including watches) shall be deemed not to exceed $50.

V. *Removal to other premises.* If the named insured moves to other premises which he intends to occupy permanently as his private residence, such insurance as it afforded for loss at or damage to the premises designated in the Application applies subject to the following provisions:

1. During the moving, for a period not to exceed thirty (30) days, the insurance applies at the premises and at the other premises and to the insured property while in transit.

2. Upon completion of the moving the insurance applies at the other premises and no longer applies at the original premises: *Provided,* That all coverage under this policy shall cease at the end of the thirty (30) day period, and the policy shall be deemed canceled by the Insurer as of such date.

VI. *Policy period, territory.* This Policy applies only to loss which occurs during the Policy period within a State, as defined in 12 U.S.C. 1749bbb-2 and set forth in 24 CFR 1905.1.

Exclusions

This Policy does not apply:

(a) To loss committed by an insured;

(b) To loss of (1) any aircraft, motor vehicle (other than motorized equipment designed for service purposes and not licensed for highway use), trailer, boat, or the equipment thereof, (2) articles carried or held as samples or for sale or for delivery after sale, or (3) animals, fish, or birds;

(c) To loss sustained by a person not related to an insured who pays board or rent to an insured;

(d) To loss due to war, whether or not declared, civil war, insurrection, rebellion or revolution, or to any act or condition incident to any of the foregoing;

(e) To loss due to nuclear reaction, nuclear radiation, or radioactive contamination, or to any act or condition incident to any of the foregoing;

(f) While the premises are used as a boarding or lodging house or for any purpose other than private residence occupancy;

(g) To property while in the charge of any laundry, cleaner, dyer, tailor, or presser except by robbery or by burglary at such premises;

(h) To property while in the mail;

(i) To loss away from the premises of (1) property pertaining to a business of an insured, (2) property while at any dwelling, including grounds, garages, stables, and other outbuildings incidental thereto, owned or occupied by or rented to an insured except while an insured is temporarily residing therein, (3) property of a residence employee unless at the time of loss he is engaged in the employment of an insured and the property is in his custody, or the property is at a dwelling as aforesaid while an insured is temporarily residing therein, (4) property while unattended in or on any motor vehicle or trailer, other than a public conveyance, unless the loss is the result of forcible entry into a fully enclosed and locked luggage compartment, of which entry there are visible marks upon the exterior of said vehicle, and then for not more than $500, or (5) other property, except personal property owned or used by an insured.

(j) To loss if the premises are not equipped with the protective devices required as a condition of eligibility for the purchase of this Policy by the regulations of the Federal Insurance Administration, as published at the time of the inception of the then current term of the Policy in Subchapter C, Chapter VII, Title 24, Code of Federal Regulations.

Conditions

1. *Definitions*—(a) *Named insured.* "Named insured" means the insured named in the Application. "Insured" means the named insured and any person while a permanent member of the named insured's household, other than (1) a residence employee or (2) a person not related to the named insured or his spouse and who pays board or rent to either.

(b) *Premises.* "Premises" means the premises designated in the Application, including grounds, garages, stables, and other outbuildings incidental thereto.

(c) *Burglary.* "Burglary" or "burglary and larceny incident thereto" means the felonious abstraction of insured property from within the premises by a person making felonious entry therein by actual force and violence, evidenced by visible marks upon, or physical damage to, the exterior of the premises at the place of such entry.

(d) *Robbery.* "Robbery" or "robbery, including observed theft," means the taking of insured property (1) by violence inflicted on an insured; (2) by putting him in fear of violence; (3) by any other overt felonious act committed his presence and of which he was actually cognizant, provided such other act is not committed by an insured; or (4) from the person or direct care and custody of an insured who has been killed or rendered unconscious.

(e) *Money.* "Money" means currency, coins, bank notes, and bullion.

(f) *Securities.* "Securities" means all negotiable and nonnegotiable instruments or contracts representing either money or other property and includes revenue and other stamps in current use, tokens, and tickets, but does not include money.

(g) *Business.* "Business" includes trade, profession, or occupation.

(h) *Loss.* "Loss" includes damage.

(i) *Residence employee.* "Residence employee" means an employee of an insured whose duties are incidental to the ownership, maintenance, or use of the premises, including the maintenance or use of automobiles or teams, or who performs elsewhere duties of a similar nature not in connection with an insured's business.

2. *Interests covered.* The insurance does not apply to the interest in insured property of any person or organization, unless included in the named insured's proof of loss.

3. *Limits of liability; settlement options.* The Insurer shall not be liable on account of any loss unless the amount of such loss shall exceed the amount of the deductible described in the Application which is made a part of this Policy and the Insurer shall then be liable only for such excess over and above the deductible, subject to and within the limit of insurance covered by the Policy.

The limit of the Insurer's liability for loss or damage in any one occurrence shall not exceed the applicable limit of insurance stated in the Application, nor what it would cost at the time of loss to repair or replace the property with other of like kind and quality, nor the actual cash value thereof at the time of loss: *Provided, however,* That the limit of the Insurer's liability for loss of money is $100, and for loss of securities is $500.

If there is loss of an article which is part of a pair or set, the measure of loss shall be a reasonable and fair proportion of the total value of the pair or set, giving consideration to the importance of said article, but such loss shall not be construed to mean total loss of the pair or set.

The applicable limit of insurance stated in the application is the total limit of the Insurer's liability with respect to all loss of

property of one or more persons or organizations arising out of any one occurrence. All loss incidental to an actual or attempted fraudulent, dishonest, or criminal act or series of related acts at the premises, whether committed by one or more persons, shall be deemed to arise out of one occurrence.

The Insurer may pay for the loss in money or may repair or replace the property and may settle any claim for loss of property either with the named insured or the owner thereof. Any property so paid for or replaced shall become the property of the Insurer. Any property recovered after settlement of a loss shall be applied first to the expense of the parties in making such recovery, with any balance applied as if the recovery had been made prior to said settlement, and loss readjusted accordingly. The insured or the Insurer, upon recovery of any such property, shall give notice thereof as soon as practicable to the other.

4. *Insured's duties when loss occurs.* Upon knowledge of loss or of an occurrence which may give rise to a claim for loss, the insured shall (a) give notice thereof as soon as practicable to law enforcement authorities and to the Insurer through any of its authorized agents, and (b) file detailed proof of loss, duly sworn to, with the Insurer through its authorized agents within sixty (60) days after the discovery of loss. Upon the Insurer's request, the insured and every claimant hereunder shall submit to examination by the Insurer, subscribe the same under penalty of 18 U.S.C. 1001 pertaining to fraud and false representation, and produce all pertinent records, all at such reasonable times and places as shall be designated, and shall cooperate in all matters pertaining to loss or claims with respect thereto.

5. *Other insurance.* If there is any other valid and collectible insurance which would apply in the absence of this Policy, the insurance under this Policy shall apply only as excess insurance over such other insurance; provided, that the insurance shall not apply: (a) To property which is separately described and enumerated and specifically insured in whole or in part by any other insurance; or (b) to property otherwise insured unless such property is owned by an insured.

6. *No benefit to bailee.* The insurance afforded by this Policy shall not inure directly or indirectly to the benefit of any carrier or bailee.

7. *Appraisal.* If the named insured and the Insurer fail to agree as to the amount of loss, each shall, on the written demand of either, made within sixty (60) days after r ecietp made within sixty (60) days after receipt of proof of loss by the Insurer, appoint a competent and disinterested appraiser, and the appraisal shall be made at a reasonable time and place within thirty (30) days after the two appraisers are appointed. If the appraisers fail to agree, they shall jointly select a competent and disinterested third appraiser and submit the question to him within fifteen (15) days thereafter. The first two appraisers shall state separately the actual cash value at time of loss and the amount of the loss. Subsequent agreement in writing by any two of the three appraisers within thirty (30) days after the third appraiser was selected shall be considered by the Insurer in determining the amount of the loss but shall not be considered binding upon him and shall not be admissible as such in court. The named insured and the Insurer shall each pay its chosen appraiser and shall bear equally the expenses of the third appraiser and the other expenses of appraisal.

The Insurer shall not be held to have waived any of its rights such as, without limitation, the right to deny liability under the Policy by any act relating to appraisal.

8. *Action against insurer.* No action shall lie against the Insurer unless, as a condition precedent thereto, there shall have been full compliance with all the terms of this Policy, nor until ninety (90) days after the required proofs of loss have been filed with the Insurer, nor at all unless commenced within 2 years from the date when the insured first has knowledge of the loss and within 1 year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim. Any such action shall be brought in a U.S. district court, as required by 12 U.S.C. 1749bbb–11.

9. *Subrogation.* In the event of any payment under this Policy, the Insurer shall be subrogated to all the insured's rights of recovery therefor against any person or organization and the insured shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The insured shall do nothing after loss to prejudice such rights.

10. *Changes.* Notice to any agent or knowledge possessed by any agent or by any other person shall not effect a waiver or a change in any part of this Policy or estop the Insurer from asserting any right under the terms of this Policy; nor shall the terms of this Policy be waived or changed, except by endorsement issued to form a part of this Policy, as approved by the Federal Insurance Administrator.

11. *Cancellation.* This Policy may be canceled by the named insured by surrender thereof to the Insurer or any of its authorized agents or by mailing to the Insurer written notice stating when thereafter the cancellation shall be effective. The grounds for cancellation of coverage by the Insurer shall be limited to those set forth in Subchapter C, Chapter VII, Title 24 of the Code of Federal Regulations. Except as otherwise provided by such regulations and by Insuring Agreement V(2), notice of cancellation by the Insurer shall be mailed to the named insured at the address shown in this Policy, stating when not less than thirty (30) days thereafter, such cancellation shall be effective. The mailing of notice as aforesaid shall be sufficient proof of notice. The time of the surrender or the effective date of cancellation stated in the notice shall become the end of the Policy period. Delivery of such written notice either by the named insured or by the Insurer shall be equivalent to mailing.

In the event of cancellation, earned premium shall be computed in accordance with the customary short rate table and procedure, unless otherwise specifically provided in said regulations issued by the Insurer. Premium adjustment may be made either at the time cancellation is effected or as soon as practicable after cancellation becomes effective, but payment or tender of unearned premium is not a condition of cancellation.

12. *Assignment.* Assignment of interest under this Policy shall not bind the Insurer until its consent is endorsed hereon; if, however, the named insured shall die, this Policy shall cover the named insured's spouse, if a resident of the same household at the time of such death, and legal representative as named insured: *Provided*, That notice of cancellation addressed to the insured named in the Application and mailed to the address shown in this Policy shall be sufficient notice to effect cancellation of this Policy. If the legal representative of the named insured is not a person who was a permanent member of the named insured's household at the time of the death of the named insured, this Policy shall apply as it applied prior to such death but shall not apply to loss of property owned or used by such legal representative, a member of his household or a residence employee thereof, unless such loss occurs at a part of the premises occupied exclusively by said named insured's household.

13. *Declarations.* By signing the Application or by acceptance of this Policy the named insured certifies and agrees, under penalty of Federal law dealing with fraud and false representation (18 U.S.C. 1001), that the statements in the Application are his agreements and representations, that this Policy is issued in reliance upon the truth of such representations, that he is aware of the applicability of the Regulations issued by the Insurer, and that this Policy and said regulations embody all agreements existing between himself and the Insurer or any of its agents relating to this insurance.

In witness whereof, the Federal Insurance Administration has accepted the declarations of the Insured set forth in the Application and has caused this Policy to be issued.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

Subpart B—Commercial Crime Insurance Coverage

§ 1933.21 Description of commercial coverage.

(a) The purpose of this § 1933.21 is descriptive only, and it shall be subject to the express terms and conditions of the policy form prescribed in § 1933.26.

(b) The initial policy issued by the insurer for commercial properties shall be known as the commercial crime insurance policy. Subject to its terms, the policy reimburses an insured for loss from robbery inside the premises, robbery outside the premises (up to a limit of $5,000 unless an armed guard accompanies the insured's messenger), the wrongful taking of insured property by compelling an insured to admit a person into the premises, safe burglary and larcency incident thereto (up to a limit of $5,000 unless the insured property is in a Class E safe anchored to the floor), theft observed by the insured, theft from a night depository in a bank, burglary and larcency incident thereto, robbery of a watchman (not to exceed $50 for any one article of jewelry), and damage to the premises (of which the insured is owner or for which the insured is liable) as a result of any of the foregoing. The policy is subject to the exclusions set forth therein.

(c) The commercial crime insurance policy may be written for any industrial, commercial, nonprofit, or public property in accordance with the risk classifications set forth in § 1933.24 and within the limits of coverage set forth in § 1933.22, subject to the applicable requirements of this subchapter, such as the requirement for adequate protective devices set forth in Subpart C of Part 1932 of this chapter.

(d) Certain portions of the materials contained in the sections that follow are based upon the Burglary Insurance Manual issued by the Insurance Services Office, 160 Water Street, New York, NY 10038, and are being reproduced in these regulations and in the related commercial crime insurance manual with the permission of the copyright owner.

§ 1933.22 Limits of commercial coverage.

The commercial crime insurance policy may be written in amounts not less than $1,000 and not in excess of $15,000 for each insured premises. The maximum limit of coverage may not be increased by insuring several departments of a single business or institution at one premises as separate premises. Each $1,000 of insurance, or fraction thereof, shall be charged the applicable rate for the full $1,000 of coverage.

§ 1933.23 Amount of commercial policy deductible.

(a) The commercial crime insurance policy for industrial and commercial risks shall be subject to a deductible in the following amounts for each loss occurrence, or 5 percent of the gross amount of the loss, whichever is greater, in accordance with the categories established in § 1933.25(b)(3): Category I, $100; Category II, $150; all other categories, $200. The face amount of coverage specified in the policy is not reduced by the application of this deductible. Thus, if an insured having a $15,000 policy incurs a $15,000 covered loss, he would receive $14,250. If the loss were $16,000, he would receive the full $15,000.

(b) The commercial crime insurance policy for nonprofit or public property risks shall be subject to a deductible in the amount of $200 for each loss occurrence, or 5 percent of the amount of loss, whichever is greater.

§ 1933.24 Classification of commercial risks.

(a) The governing factor in determining the risk classification applicable to a particular premises is the kind of business conducted by the insured at that location. If there is no specific kind of business applicable to the risk, then the kind of merchandise inventoried and held for sale governs. Such risks take the classification of the merchandise or inventory comprising the majority value of the contents. For example, a candy store carrying an incidental line of tobacco is still classified as a candy store.

(b) Individual concessionaires operating within a premises take the same classification as the business premises in which such concessionaires are located unless the concessionaire's classification is higher, in which case the concessionaire's classification shall be used.

(c) The following classifications shall be applicable to the commercial crime insurance policy:

Class:		Statistical Code
1	All risks not otherwise classified, including nonprofit and public properties	01
3	Amusement Enterprises (not otherwise classified)	02
2	Automobile Sales and Service	03
2	Billiard and Pool Parlors	04
2	Bowling Lanes or Centers	05
3	Cameras and Photographic Supplies	06
3	Clubs	07
3	Dance Halls and Pavilions	08
2	Drug Stores and Druggists' Sundries	09
3	Dry Cleaners	10
2	Electrical Appliances—Sales and Service	11
3	Furriers	12
2	Garages	13
3	Gasoline Service Stations	14
2	Golf and Other Sports Professionals	15
2	Grocery Stores and Delicatessens	16
3	Gun and Ammunition Shops	17
3	Jewelry Stores	18
3	Laundries	19
3	Liquor Stores	20
2	Meat and Poultry Dealers; Butcher Stores	21
2	Men's and Students' Clothing, 14 years and over	22
3	Pawnbrokers	23
2	Radio and Television—Sales and Service	24
2	Restaurants	25
3	Small loan and Finance Companies	26
3	Taverns	27
3	Theaters	28
2	Tobacco Dealers	29
2	Women's and Junior Teens' Clothing, 14 years and over	30

§ 1933.25 Commercial crime insurance rates.

(a) Premium rates for commercial crime insurance policies shall be determined in accordance with the procedures set forth in paragraph (b) of this section, which will also be contained in the commercial crime insurance manual supplied to any eligible agent or broker upon request. Such request should be made to the servicing company responsible for the area in which the agent or broker is located, the name and address of which is listed in § 1930.6 of this chapter.

(b) The following procedure shall be used to determine the annual rates applicable to commercial crime insurance policies issued under the program:

(1) The risk classification and territory rate shall first be determined in accordance with §§ 1933.24 and 1934.2 of this chapter;

(2) For risks having gross receipts of less than $2 million annually, the base rate for the first $1,000 of coverage shall be determined in accordance with the following table:

Class	Territory 01	02	03
01	$70	$80	$100
02	80	100	120
03	100	120	130

For risks having gross receipts between $2 million and $4,999,999, the base rate is 0.0002 of such gross receipts. For risks having gross receipts of $5 million or more, the base rate shall be 0.00025 of such gross receipts;

(3) The base rate determined in subparagraph (2) of this paragraph shall be multiplied by the appropriate multiplier from the following table, as determined by the applicant's Federal income tax return for the most recent taxable year, in order to obtain the actual premium for the first $1,000 of coverage. If the applicant is a nonprofit or public entity whose gross receipts constitute less than its operating budget, its operating budget shall be used in lieu of gross receipts to determine the appropriate multiplier.

Category	Gross receipts (or operating budget, if applicable)	Multiplier
I	Less than $25,000	1.0
II	$25,000–$49,999	1.5
III	$50,000–$99,999	2.0
IV	$100,000–$299,999	2.5
V	$300,000–$499,999	3.0
VI	$500,000–$999,999	3.5
VII	$1,000,000–$1,499,999	4.0
VIII	$1,500,000–$1,999,999	4.5
IX	$2,000,000 or over	5.0

(4) Rates for higher limits of coverage shall be determined by applying to the premium base derived in accordance with subparagraph (3) of this paragraph the appropriate higher limits factor from the following table for the applicable amount of coverage:

Rate for applicable amount of coverage:	Higher limits factor
$1,000	1.00
$2,000	1.60
$3,000	2.10
$4,000	2.70
$5,000	3.20
$6,000	3.70
$7,000	4.20
$8,000	4.70
$9,000	5.20
$10,000	5.70
$11,000	6.20
$12,000	6.70
$13,000	7.20
$14,000	7.70
$15,000	8.20

(5) The product derived in accordance with subparagraph (4) of this paragraph shall then be rounded to the next higher dollar above $0.49 to obtain the chargeable annual policy holder premium.

§ 1933.26 Required commercial policy form.

The following shall constitute the application form and the policy form for the commercial crime insurance policy and no other application form or policy form shall be used unless otherwise provided by this § 1933.26. Coverage will commence at noon on the day following the date of application unless a later date is specified in the application.

(a) Commercial Crime Insurance Policy application form:

CRIME INSURANCE PROGRAM

COMMERCIAL CRIME INSURANCE POLICY

This Policy (of which this Application is a part) covers losses from burglary and larceny incident thereto, and robbery, including observed theft, subject to applicable limits and to a deductible, as stated below, and to Federal law and regulations.

FEDERAL INSURANCE ADMINISTRATION
(An Agency of the U.S. Government)

U.S. Department of Housing and Urban Development, Washington, D.C. 20410

APPLICATION

(Type or print heavily in ball point pen)

Policy No. _____

(Insert IRS Employer Identification Number and add suffix "A," "B," "C," etc., for each separate Application where multiple premises are involved.)

Effective Date: _____
(Not earlier than noon on day following date of Application)

Expiration Date: _____
(1 year from effective date)

Insured's Name and Mailing Address (Include County):

_____

_____

_____

Producer's Name and Address:

_____

_____

_____

Location of Premises (Including County, if different from mailing address):

_____

_____

_____

Servicing Company's Name and Address:

_____

_____

_____

1. Describe type of building and (if multiple occupancy) portion occupied by applicant: _____

2. Describe class and type of business: _____

(Use description from tax return, plus any additional information needed to clarify or expand this description.)

3. (a) Does Applicant cash personal checks in excess of the sale? Yes _____ No _____
(b) Does Applicant cash payroll or welfare checks? Yes _____ No _____

4. Does premises contain a Class E safe? Yes _____ No _____

5. Enter gross receipts for preceding taxable year: $_____

6. Amount of insurance applied for ($15,000 maximum): $_____

NOTE: Coverage is subject to a deductible of $100 if gross receipts are less than $25,000, $150 if gross receipts are between $25,000 and $50,000, and $200 if gross receipts are $50,000 or over, or 5 percent of gross amount of any loss, whichever is greater.

7. (a) State whether you have ever previously insured these premises under the Federal crime insurance program: _____
(b) If so, give month and year when coverage was last in force: _____
(c) State reason coverage was terminated: _____
(d) If canceled, state whether canceled by the Insurer or by you: _____

8. If answer to Question 7(a) is yes, did you ever have a claim under your previous policy? _____ Was it paid? _____

Premium Computation: (To be filled in by Agent, Broker, or Servicing Company)

A. Annual base Rate
(Territory _____, Class _____): $_____

B. Gross Sales Volume Multiplier
(Gross Sales Volume $_____): _____

C. Higher Limits Factor for Applicable Level of Coverage
(Coverage $_____): _____

D. Final Annual Premium
(A x B x C, rounded to higher dollar above $0.49): $_____

APPLICATION—Continued

(One half of annual premium must accompany the Application and be in the form of a check or money order payable to the Federal Insurance Administrator.)

PROGRAM UTILIZATION DATA:

Racial or ethnic background of applicant: (If applicant is a corporation or partnership, provide data for controlling stockholders or general partners.) (Check One)

1. ☐ White (Nonminority)
2. ☐ Negro/Black
3. ☐ American Indian
4. ☐ Oriental
5. ☐ Spanish American
6. ☐ Other Minority

(The information concerning Minority Group Categories is requested for statistical purposes so the Department may determine the degree to which its programs are utilized by Minority families.)

Eligibility Requirements and Unusual Policy Provisions:

1. This Policy is subject to the crime insurance provisions of title VI of the Housing and Urban Development Act of 1970 (Public Law 91-609, December 31, 1970: 12 U.S.C. 1749bbb-10a et seq.) and the regulations of the Federal Insurance Administration issued pursuant thereto (24 CFR 1930 et seq.). Renewals of this coverage shall be subject to the regulations in force at the time of such renewals.

2. Any false statement in the Application voids the Policy. Intentionally false or misleading statements may result in criminal prosecution under 18 U.S.C. 1001.

3. To be eligible for insurance under the Federal crime insurance program, the insured premises "Must" meet the requirements for protective devices established by the Federal Insurance Administration for that type of property. A list of these requirements is printed on the back of this form.

4. One half of the annual premium must be paid at the time of application. The second installment of the premium will be billed approximately 45 days before its due date and must be received by the servicing company on or before the due date.

5. All losses of property subject to coverage under this Policy must be reported to the Law Enforcement Authorities (whether or not a claim is filed), or coverage under the Policy may be cancelled by the insurer.

Certification by Applicant:

"I certify, under penalty of Federal law for fraud or misrepresentation as set forth in 18 U.S.C. 1001, (1) that the statements I have made in this Application, including the signature date set forth below, are true and correct to the best of my knowledge and belief, (2) that I have read the eligibility requirements above and the protective device requirements on the back of this form, and (3) that the insured premises meet such requirements.

"The producer has ☐ has not ☐ advised me about the required protective devices.

"I further agree to make the insured premises available for inspection in connection with this policy at any reasonable time; and I understand that if at the time of such inspection the insured premises are found not to be protected in the manner required, this Policy will be considered void from its inception and only the portion of the premium not absorbed by administrative expenses in connection with the issuance of such policy and the inspection will be refunded."

_____ _____
(Signature of Insured) (Date)

Certification by Agent or Broker:

"I certify, under penalty of Federal law for fraud or misrepresentation as set forth in 18 U.S.C. 1001, (1) that I am an agent or broker licensed in the State in which the premises are located, (2) that the date of this Application is correct, and is the date on which the Applicant submitted this completed Application to me, (3) that I have fully explained to the Applicant the nature of the protective device requirements which are a prerequisite for coverage under this policy. I also agree that in the event of cancellation of a Policy, I shall ratably refund to the Federal Insurance Administration commissions on the unearned portion of premiums at the same rate at which such commission was originally paid."

_____ _____
(Signature of Agent or Broker) (Date)

(b) Commercial Crime Insurance Policy form:

FEDERAL INSURANCE ADMINISTRATION

COMMERCIAL CRIME INSURANCE POLICY

The Federal Insurance Administrator, herein called the Insurer, agree with the insured, named in the Application made a part hereof, in consideration of the payment of the premium and in reliance upon the statements in the Application, and subject to (1) the provisions of title VI of Public Law 91-609 and Subchapter C, Chapter VII, Title 24 of the Code of Federal Regulations, and (2) the limits of insurance, exclusions, conditions, deductibles, and other terms of this Policy with respect to the following criminal acts:

Insuring Agreements

I. *Robbery, including observed theft, inside the premises.* To pay for loss by robbery or observed theft of money, securities, merchandise, furniture, fixtures, and equipment within the premises.

II. *Robbery, including observed theft, outside the premises.* To pay for loss by robbery or observed theft of money, securities, and merchandise, including the wallet or bag containing such property, while such property is being conveyed by a messenger outside the premises, but no payment shall be made for any loss in excess of $5,000 except when an armed guard accompanies the messenger.

III. *Safe burglary.* To pay for loss by safe burglary and larceny incident thereto of money, securities, and merchandise within the premises but no payment shall be made for any loss in excess of $5,000 except with respect to loss by safe burglary of a Class E safe securely anchored to the floor.

IV. *Theft from night depository.* To pay for loss by theft of money and securities within any night depository in a bank.

V. *Burglary; robbery of watchman.* To pay for loss by burglary and larceny incident thereto or by robbery of a watchman, while the premises are not open for business, of merchandise, furniture, fixtures, and equipment within the premises. Under this insuring agreement, the actual cash value of any one article of jewelry shall be deemed not to exceed $50.

VI. *Damage.* To pay for damage to the premises and to money, securities, merchandise, furniture, fixtures, and equipment within the premises, by robbery, burglary, safe burglary, robbery of a watchman, or attempt thereat, provided with respect to damage to the premises the insured is the owner thereof or is liable for such damage.

VIII. *Policy period, territory.* This Policy applies only to loss which occurs during the Policy period within a State, as defined in 12 U.S.C. 1749bbb-2 and set forth in 24 CFR 1905.1.

Exclusions

This Policy does not apply:

(a) To loss due to embezzlement or to any fraudulent, dishonest, or criminal act by any insured, a partner therein, or an officer, employee, director, trustee, or authorized representative thereof, while working or otherwise and whether acting alone or in collusion with others: *Provided*, That this exclusion does not apply to safe burglary or robbery or attempt thereat by other than an insurance or a partner therein;

(b) To loss due to war, whether or not declared, civil war, insurrection, rebellion, or revolution, or to any act or condition incident to any of the foregoing;

(c) To loss of manuscripts, records, or accounts;

(d) Under Insuring Agreements V and VI, to loss occurring during a fire in the premises;

(e) To loss due to nuclear reaction, nuclear radiation, or radioactive contamination, or to any act or condition incident to any of the foregoing;

(f) To any loss if the premises are not equipped with the protective devices required as a condition of eligibility for the purchase of ths Policy by the regulations of the Federal Insurance Administration, as published at the time of the inception of the current term of the Policy in Subchapter C, Chapter VII, Title 24, Code of Federal Regulations.

Conditions

1. *Definitions*—(a) *Money.* "Money" means currency, coins, bank notes, and bullion; and travelers checks, register checks, and money orders held for sale to the public.

(b) *Securities.* "Securities" means all negotiable and nonnegotiable instruments or contracts representing either money or other property and includes revenue and other stamps in current use, tokens, and tickets, but does not include money.

(c) *Premises.* "Premises" means the interior of that portion of any building at a location designated in the Application which is occupied by the insured as stated therein, but shall not include (1) showcases or show windows not opening directly into the interior of the premises, or (2) public entrances, halls, or stairways. As respects Insuring Agreements I and II only, the premises shall also include the space immediately surrounding such building, provided such space is occupied by the insured in conducting his business.

(d) *Custodian.* "Custodian" means the insured, a partner therein, an officer thereof, or any employee thereof who is in the regular service of and duly authorized by the insured to have the care and custody of the insured property within the premises, excluding any person while acting as a watchman, porter, or janitor.

(e) *Messenger.* "Messenger" means the insured, a partner therein, an officer thereof, or a employee thereof who is in the regular service of and duly authorized by the insured to have the care and custody of the insured property outside the premises.

(f) *Robbery.* "Robbery" or "robbery, including observed theft," means the taking of insured property (1) by violence inflicted upon a messenger or a custodian; (2) by putting him in fear of violence; (3) by any other overt felonious act committed in his presence and of which he was actually cognizant, provided such other act is not committed by an officer, partner, or employee of the insured; (4) from the person or direct care and custody of a messenger or custodian who has been killed or rendered unconscious; (5) from within the premises by compelling a messenger or custodian by violence or threat of violence while outside the premises to admit a person into the premises or to furnish him with means of ingress into the premises; or (6) from a showcase or show window within the premises while regularly open for business, by a person who has broken the glass thereof from outside the premises.

(g) *Robbery of a watchman.* "Robbery of a watchman" means a felonious taking of insured property by violence or threat of violence inflicted upon a private watchman employed exclusively by the insured and while such watchman is on duty within the premises.

(h) *Burglary.* "Burglary" or "burglary and larceny incident thereto" means the felonious abstraction of insured property from within the premises by a person making felonious entry therein by actual force and violence, evidenced by visible marks upon, or physical damage to, the exterior of the premises at the place of such entry.

(i) *Safe burglary.* "Safe burglary" or "safe burglary and larcency incident thereto" means (1) the felonious abstraction of insured property from within a vault or safe the door of which is equipped with a combination lock, located within the premises, by a person making felonious entry into such vault or such safe and any vault containing the safe, when all doors thereof are duly closed and locked by all combination locks thereon, provided such entry shall be made by actual force and violence, evidenced by visible marks upon the exterior of (a) all of said doors of such vault or such safe and any vault containing the safe, if entry is made through such doors, or (b) the top, bottom, or walls of such vault or such safe and any vault containing the safe through which entry is made, if not made through such doors, or (2) the felonious abstraction of such safe from within the premises.

(j) *Jewelry.* "Jewelry" means jewelry, watches, gems, precious or semiprecious stones, and articles containing one or more gems.

(k) *Loss.* "Loss," except as used in Insuring Agreements I through V, includes damage.

(l) *Class E Safe.* "Class E Safe" means a steel safe having walls at least 1 inch thick and doors at least 1½ inches thick, or a vault of steel at least ½ inch thick or of reinforced concrete or stone at least 9 inches thick or of non-reinforced concrete or stone at least 12 inches thick, with steel doors at least 1½ inches thick.

2. *Ownership of property; interests covered.* The insured property may be owned by the insured or held by him in any capacity, whether or not the insured is liable for the loss thereof: *Provided*, That the insurance applies only to the interest of the insured in such property, including the insured's liability to others, and does not apply to the interest of any other person or organization in any of said property unless included in the insured's proof of loss.

3. *Joint insured.* If more than one insured is named in the Application, the insured first named shall act for every insured for all purposes of this Policy. Knowledge possessed or discovery made by any insured shall, for all purposes, constitute knowledge possessed or discovery made by every insured.

4. *Books and records.* The insured shall keep records of all the insured property in such manner that the Insurer can accurately determine therefrom the amount of loss, and if the insured maintains cash funds for the purpose of check cashing, a complete record of each check negotiated shall be kept by the insured showing the names of the maker, payee and drawee bank, and the date and amount of the check, and such records shall be maintained in a receptacle other than used for money and securities.

5. *Limits of liability; settlement options.* The Insurer shall not be liable on account of any loss unless the amount of such loss shall exceed the amount of the deductible described in the Application which is made a part of this Policy and the Insurer shall then be liable only for such excess over and above the deductible, subject to and within the limit of insurance covered by the Policy.

The limit of the Insurer's liability for loss shall not exceed the applicable limit of insurance stated in the Application, nor will it would cost at the time of loss to repair or replace the property with other of like kind and quality, nor as respects securities the actual cash value thereof at the close of business on the business day next preceding

the day on which the loss was discovered, nor as respects other property the actual cash value thereof at the time of loss: *Provided, however,* That the actual cash value of such other property held by the insured as a pledge, or as collateral for an advance or a loan, shall be deemed not to exceed the value of the property as determined and recorded by the insured when making the advance or loan, nor, in the absence of such record, the unpaid portion of the advance or loan plus accrued interest thereon at legal rates.

The applicable limit of insurance stated in the Application is the total limit of the Insurer's liability with respect to all loss of property of one or more persons or organizations arising out of any one occurrence. All loss incidental to an actual or attempted fraudulent, dishonest or criminal act or series of related acts at the premises, whether committed by one or more persons, shall be deemed to arise out of one occurrence.

The Insurer may pay for the loss in money or may repair or replace the property and may settle any claim for loss of property either with the insured or the owner thereof. Any property so paid for or replaced shall become the property of the Insurer. Any property recovered after settlement of a loss shall be applied first to the expense of the parties in making such recovery, with any balance applied as if the recovery had been made prior to said settlement, and loss readjusted accordingly. The insured or the Insurer, upon recovery of any such property, shall give notice thereof as soon as practicable to the other.

6. *Insured's duties when loss occurs.* Upon knowledge or discovery of loss or of an occurrence which may give rise to a claim for loss, the insured shall: (a) Give notice thereof as soon as practicable to law enforcement authorities and to the insurer through any of its authorized agents, and (b) file detailed proof of loss, duly sworn to, with the Insurer through its authorized agents within sixty (60) days after the discovery of loss.

Upon the Insurer's request, the insured and every claimant hereunder shall submit to examination by the Insurer, subscribe the same under penalty of 18 U.S.C. 1001 pertaining to fraud and false representation, and produce all pertinent records, all at such reasonable times and places as the Insurer shall designate, and shall cooperate with the Insurer in all matters pertaining to loss or claims with respect thereto.

7. *Other insurance.* If there is any other valid and collectible insurance which would apply in the absence of this Policy, the insurance under this Policy shall apply only as excess insurance over such other insurance; provided, that the insurance shall not apply (a) to property which is separately described and enumerated and specifically insured in whole or in part by any other insurance; or (b) to property otherwise insured unless such property is owned by the insured.

8. *No benefit to bailee.* The insurance afforded by this Policy shall not inure directly or indirectly to the benefit of any carrier or other bailee for hire.

9. *Appraisal.* If the Insured and the Insurer fail to agree as to the amount of loss, each shall, on the written demand of either, made within sixty (60) days after receipt of proof of loss by the Insurer, appoint a competent and disinterested appraiser, and the appraisal shall be made at a reasonable time and place within thirty (30) days after the two appraisers are appointed. If the appraisers fail to agree, they shall jointly select a competent and disinterested third appraiser and submit the question to him within fifteen (15) days thereafter. The first two appraisers shall state separately the actual cash value at time of loss and the amount of the loss. Subsequent agreement in writing by any two of the three appraisers within thirty (30) days after the third appraiser was selected shall be considered by the Insurer in determining the amount of the loss but shall not be considered binding upon him and shall not be admissible as such in court. The insured and the Insurer shall each pay its chosen appraiser and shall bear equally the expenses of the third appraiser and the other expenses of appraisal. The Insurer shall not be held to have waived any of its rights by any act relating to appraisal.

10. *Action against insurer.* No action shall lie against the Insurer unless, as a condition precedent thereto, there shall have been full compliance with all the terms of this Policy and the applicable regulations of the Federal Insurance Administration, nor until ninety (90) days after the required proofs of loss have been filed with the Insurer, nor at all unless commenced within 2 years from the date when the insured discovers the loss and within 1 year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim. Any such action shall be brought in a U.S. district court, as required by 12 U.S.C. 1749bbb–11.

11. *Subrogation.* In the event of any payment under this Policy, the Insurer shall be subrogated to all the insured's rights of recovery therefor against any person or organization and the insured shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The insured shall do nothing after loss to prejudice such rights.

12. *Changes.* Notice to any agent or knowledge possessed by any agent or by any other person shall not effect a waiver or a change in any part of this Policy or estop the Insurer from the asserting any right under the terms of this Policy; nor shall the terms of this Policy be waived or challenged, except by endorsement issued to form a part of this Policy, as approved by the Federal Insurance Administrator.

13. *Cancellation.* This Policy may be cancelled by the insured by surrender thereof to the Insurer or any of its authorized agents or by mailing to the Insurer written notice stating when thereafter the cancellation shall be effective. The grounds for cancellation of coverage by the Insurer shall be limited to those set forth in Subchapter C, Chapter VII, Title 24 of the Code of Federal Regulations. Except as otherwise provided by such regulations, notice of cancellation by the Insurer shall be mailed to the named insured at the address shown in this Policy, stating when not less than thirty (30) days thereafter such cancellation shall be effective. The mailing of notice as aforesaid shall be sufficient proof of notice. The time of the surrender or the effective date of cancellation stated in the notice shall become the end of the Policy period. Delivery of such written notice either by the named insured or by the Insurer shall be equivalent to mailing.

In the event of cancellation, earned premium shall be computed in accordance with the customary short rate table and procedure, unless otherwise specifically provided in said Regulations issued by the Insurer. Premium adjustment may be made either at the time cancellation is effected or as soon as practicable after cancellation becomes effective, but payment or tender of unearned premium is not a condition of cancellation.

14. *Assignment.* Assignment of interest under this Policy shall not bind the Insurer until its consent is endorsed hereon; if, however, the insured shall die, this Policy shall cover the insured's legal representative as insured; provided that notice of cancellation addressed to the insured named in the Application and mailed to the address shown in this Policy shall be sufficient notice to effect cancellation of this Policy.

15. *Declarations.* By signing the Application or by acceptance of this Policy the insured certifies and agrees, under penalty of Federal law dealing with fraud and false representation (18 U.S.C. 1001), that the statements in the Application are his agreements and representations, that this Policy is issued in reliance upon the truth of such representations, that he is aware of the applicability of the regulations issued by the Insurer, and that this Policy and said regulations embody all agreements existing between himself and the Insurer or any its agents relating to this insurance.

In witness whereof, the Federal Insurance Administrator has accepted the declarations of the insured set forth in the Application and has caused this Policy to be issued.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

PART 1934—CLASSIFICATION OF TERRITORIES

Sec.
1934.1 Method of classifying territories.
1934.2 List and classification of territories.

AUTHORITY: The provisions of this Part 1934 issued under sec. 1237, 82 Stat. 566; 12 U.S.C. 1749bbb–17.

§ 1934.1 Method of classifying territories.

(a) Because rates are related to urban population concentrations rather than to State boundaries, the insurer has determined that the interests of the public will be best served by classifying territories for the purposes of the Federal crime insurance program on the basis of statistics applicable to entire Standard Metropolitan Statistical Areas, generally referred to as "SMSA's."

(b) Under the classification system prescribed by this part, all communities within the same SMSA shall be assigned the same rating classification, regardless of the State in which they are situated. However, no community within any SMSA will actually be eligible for the sale of Federal crime insurance unless the State in which it is situated is then currently eligible.

(c) Eligible communities that are not part of SMSA's shall be assigned the same territorial classification as the remainder of the State, regardless of the size of the community.

§ 1934.2 List and classification of territories.

(a) Territories shall be classified for statistical and rating purposes as set forth in the insurer's Crime Insurance Manual, which shall apply to all crime insurance policies written under the program. Such manual shall be supplied by the servicing company on behalf of the insurer to all eligible agents and brokers within an eligible State.

(b) The "Territories" section of the Federal Crime Insurance manual shall read as follows:

FEDERAL INSURANCE ADMINISTRATION

CRIME INSURANCE MANUAL

Territories

A. The Territorial arrangement for each state is as follows:

(1) If Standard Metropolitan Statistical Areas exist, they are individually rated.

(2) The remainder of the State is placed in a single category.

B. *Standard Metropolitan Statistical Areas.* The Standard Metropolitan Statistical Area (SMSA) have been adopted as statistical units in order to make it possible for all Federal agencies to utilize the same boundaries in publishing data useful for analyzing metropolitan areas. The general concept of a metropolitan area is one of an integrated economic and social unit with a recognized population nucleus. "SMSA's Are Not Limited to a Single State or a Single City." Since this approach differs from conventional insurance practices, caution is necessary in rating the risk. For example, parts of Maryland and Virginia are in the Washington, D.C., SMSA.

C. *Grading.* Each SMSA and each Remainder of State is classified into one of three territories for rating purposes, viz:

Territory 3	High risk.
Territory 2	Average risk.
Territory 1	Low risk.

D. *Rating of SMSA's:*

SMSA	Statistical code	Rate territory
Abilene, Tex. (includes Taylor and Jones Counties)	0040	2
Akron, Ohio (includes Summit and Portage Counties)	0080	2
Albany, Ga. (includes Dougherty County)	0120	1
Albany-Schenectady-Troy, N.Y. (includes Albany, Rensselaer, Saratoga, and Schenectady Counties)	0160	2
Albuquerque, N. Mex. (includes Bernalillo County)	0200	3
Allentown-Bethlehem-Easton, Pa.-N.J. (includes Lehigh and Northampton Counties, Pa. and Warren County, N.J.)	0240	1
Altoona, Pa. (includes Blair County)	0280	1
Amarillo, Tex. (includes Potter and Randall Counties)	0320	2
Anaheim-Santa Ana-Garden Grove, Calif. (includes Orange County)	0360	3
Anderson, Ind. (includes Madison County)	0400	2
Ann Arbor, Mich. (includes Washtenaw County)	0440	3
Appleton-Oshkosh, Wis. (includes Calumet, Outagamie, and Winnebago Counties)	0460	1
Asheville, N.C. (includes Buncombe County)	0480	2
Atlanta, Ga. (includes Clayton, Cobb, De Kalb, Fulton, and Gwinnett Counties)	0520	2
Atlantic City, N.J. (includes Atlantic County)	0560	3
Augusta, Ga.-S.C. (includes Richmond County, Ga. and Aiken County, S.C.)	0600	2
Austin, Tex. (includes Travis County)	0640	2
Bakersfield, Calif. (includes Kern County)	0680	3
Baltimore, Md. (includes Baltimore City and Anne Arundel, Baltimore, Carroll, Howard, and Hartford Counties)	0720	3
Baton Rouge, La. (includes East Baton Rouge Parish)	0760	2
Bay City, Mich. (includes Bay County)	0800	2
Beaumont-Port Arthur, Tex. (includes Jefferson and Orange Counties)	0840	2
Billings, Mont. (includes Yellowstone County)	0880	1
Biloxi-Gulfport, Miss. (includes Harrison County)	0920	1
Binghamton, N.Y.-Pa. (includes Broome and Tioga Counties, N.Y. and Susquehanna County, Pa.)	0960	1
Birmingham, Ala. (includes Jefferson, Shelby, and Walker Counties)	1000	2
Bloomington-Normal, Ill. (includes McLean County)	1040	1
Boise, Idaho (includes Ada County)	1080	2
Boston-Lowell, Mass. (includes Middlesex, Norfolk, Plymouth, and Suffolk Counties)	1120	2
Bridgeport-Stamford-Norwalk, Conn. (includes Fairfield County)	1160	2
Brownsville-Harlingen-San Benito, Tex. (includes Cameron County)	1240	2
Bryan-College Station, Tex. (includes Brazos County)	1260	1
Buffalo, N.Y. (includes Erie and Niagara Counties)	1280	2
Canton, Ohio (includes Stark County)	1320	2
Cedar Rapids, Iowa (includes Linn County)	1360	2
Champaign-Urbana, Ill. (includes Champaign County)	1400	2
Charleston, S.C. (includes Charleston and Berkeley Counties)	1440	2
Charleston, W. Va. (includes Kanawha County)	1480	2
Charlotte, N.C. (includes Mecklenburg and Union Counties)	1520	2
Chattanooga, Tenn.-Ga. (includes Hamilton County, Tenn., and Walker County, Ga.)	1560	2
Chicago, Ill. (includes Cook, Du Page, Kane, Lake, McHenry, and Will Counties)	1600	2
Cincinnati, Ohio-Ky.-Ind. (includes Hamilton, Clermont and Warren Counties, Ohio, and Campbell, Kenton, and Boone Counties, Ky., and Dearborn County, Ind.)	1640	2
Cleveland, Ohio (includes Cuyahoga, Lake, Geauga, and Medina Counties)	1680	2
Colorado Springs, Colo. (includes El Paso County)	1720	2
Columbia, Mo. (includes Boone County)	1740	2
Columbia, S.C. (includes Lexington and Richland Counties)	1760	2
Columbus, Ga.-Ala. (includes Chattahoochee and Muscogee Counties, Ga., and Russell County, Ala.)	1800	2
Columbus, Ohio (includes Franklin, Delaware, and Pickaway Counties)	1840	2
Corpus Christi, Tex. (includes Nueces and San Patricio Counties)	1880	2
Dallas, Tex. (includes Collin, Dallas, Denton, Ellis, Kaufman, and Rockwell Counties)	1920	3
Davenport-Rock Island-Moline, Iowa-Ill. (includes Scott County, Iowa, and Rock Island and Henry Counties, Ill.)	1960	2
Dayton, Ohio (includes Greene, Miami, Montgomery, and Preble Counties)	2000	2
Decatur, Ill. (includes Macon County)	2040	2
Denver, Colo. (includes Adams, Arapahoe, Boulder, Denver, and Jefferson Counties)	2080	3
Des Moines, Iowa (includes Polk County)	2120	2
Detroit, Mich. (includes Macomb, Oakland, and Wayne Counties)	2160	3
Dubuque, Iowa	2200	1
Duluth-Superior, Minn.-Wis. (includes St. Louis County, Minn., and Douglas County, Wis.)	224	2
Durham, N.C. (includes Durham and Orange Counties)	2280	2
El Paso, Tex. (includes El Paso County)	2320	2
Erie, Pa. (includes Erie County)	2360	1
Eugene, Oreg. (includes Lane County)	2400	2
Evansville, Ind.-Ky. (includes Vanderburgh and Warwick Counties, Ind., and Henderson County, Ky.)	2440	2
Fall River-New Bedford, Mass. (includes Bristol County)	2480	2
Fargo-Moorhead, N. Dak.-Minn. (includes Cass County, N. Dak., and Clay County, Minn.)	2520	2
Fayetteville, N.C. (includes Cumberland County)	2560	2
Flint, Mich. (includes Genesee and Lapeer Counties)	2640	2
Fort Lauderdale-Hollywood, Fla. (includes Broward County)	2680	3
Fort Smith, Ark.-Okla. (includes Sebastian and Crawford Counties, Ark., and Le Flore and Sequoyah Counties, Okla.)	2720	1
Fort Wayne, Ind. (includes Allen County)	2760	2
Fort Worth, Tex. (includes Johnson and Tarrant Counties)	2800	2
Fresno, Calif. (includes Fresno County)	2840	3
Gadsden, Ala. (includes Etowah County)	2880	1
Gainsville, Fla. (includes Alachua County)	2900	2
Galveston-Texas City, Tex. (includes Galveston County)	2920	2
Gary-Hammond-East Chicago, Ind. (includes Lake and Porter Counties)	2960	2
Grand Rapids, Mich. (includes Kent and Ottawa Counties)	3000	2
Great Falls, Mont. (includes Cascade County)	3040	1
Green Bay, Wis. (includes Brown County)	3080	2
Greensboro-High Point-Winston-Salem, N.C. (includes Forsyth, Guilford, Randolph, and Yadkin Counties)	3120	2
Greenville, S.C. (includes Greenville and Pickens Counties)	3160	2
Hamilton-Middletown, Ohio (includes Butler County)	3200	2
Harrisburg, Pa. (includes Cumberland, Dauphin, and Perry Counties)	3240	2
Hartford-New Britain-Bristol, Conn. (includes Hartford and Middlesex Counties)	3280	2
Honolulu, Hawaii (includes Honolulu County)	3320	1
Houston, Tex. (includes Harris, Brazoria, Fort Bend, Liberty, and Montgomery Counties)	3360	2
Huntington-Ashland, W. Va.-Ky.-Ohio (includes Cabell and Wayne Counties, W. Va., Boyd County, Ky., and Lawrence County, Ohio)	3400	2
Huntsville, Ala. (includes Madison and Limestone Counties)	3440	2
Indianapolis, Ind. (includes Marion, Hamilton, Hancock, Hendricks, Johnson, Morgan, Shelby, and Boone Counties)	3480	2
Jackson, Mich. (includes Jackson County)	3520	2
Jackson, Miss. (includes Hinds and Rankin Counties)	3560	1
Jacksonville, Fla. (includes Duval County)	3600	2
Jersey City, N.J. (includes Hudson County)	3640	2
Johnstown, Pa. (includes Cambria and Somerset Counties)	3680	1
Kalamazoo, Mich. (includes Kalamazoo County)	3720	2
Kansas City, Mo.-Kans. (includes Clay, Jackson, Cass, and Platte Counties, Mo., and Johnson and Wyandotte Counties, Kans.)	3760	2
Kenosha, Wis. (includes Kenosha County)	3800	2
Knoxville, Tenn. (includes Anderson, Blount, and Knox Counties)	3840	2
La Crosse, Wis. (includes La Crosse County)	3870	2
Lafayette, La. (includes Lafayette Parish)	3880	2
Lafayette-West Lafayette, Ind. (includes Tippecanoe County)	3920	2
Lake Charles, La. (includes Calcasieu Parish)	3960	2
Lancaster, Pa. (includes Lancaster County)	4000	1
Lansing, Mich. (includes Clinton, Eaton, and Ingham Counties)	4040	2
Laredo, Tex. (includes Webb County)	4080	2
Las Vegas, Nev. (includes Clark County)	4120	2
Lawrence-Haverhill, Mass.-N.H. (includes Merrimack, and Rockingham Counties, N.H., and Essex County, Mass.)	4160	2
Lawton, Okla. (includes Comanche County)	4200	2
Lewiston-Auburn, Maine (includes Androscoggin County)	4240	1
Lexington, Ky. (includes Fayette County)	4280	3
Lima, Ohio (includes Allen, Putnam, and Van Wert Counties)	4320	2
Lincoln, Nebr. (includes Lancaster County)	4360	2
Little Rock-North Little Rock, Ark. (includes Pulaski and Saline Counties)	4400	2
Lorain-Elyria, Ohio (includes Lorain County)	4440	2
Los Angeles-Long Beach, Calif. (includes Los Angeles County)	4480	3
Louisville, Ky.-Ind. (includes Jefferson County, Ky., and Clark and Floyd Counties, Ind.)	4520	2
Lubbock, Tex. (includes Lubbock County)	4600	2
Lynchburg, Va. (includes Lynchburg City and Amherst and Campbell Counties)	4640	1
Macon, Ga. (includes Bibb and Houston Counties)	4680	2
Madison, Wis. (includes Dane County)	4720	2
Manchester, N.H. (includes Hillsboro County)	4760	1
Mansfield, Ohio (includes Richland County)	4800	2
McAllen-Pharr-Edinburg, Tex. (includes Hidalgo County)	4880	1
Memphis, Tenn.-Ark. (includes Shelby County, Tenn., and Crittenden County, Ark.)	4920	2
Meriden, Conn.	4960	1

SMSA	Statistical code	Rate territory
Miami, Fla. (includes Dade County)	5000	3
Midland, Tex. (includes Midland County)	5040	1
Milwaukee, Wis. (includes Milwaukee, Waukesha, Ozaukee, and Washington Counties)	5080	2
Minneapolis-St. Paul, Minn. (includes Anoka, Dakota, Hennepin, Ramsey, and Washington Counties)	5120	2
Mobile, Ala. (includes Mobile and Baldwin Counties)	5160	2
Modesto, Calif. (includes Stanislaus County)	5170	2
Monroe, La. (includes Ouachita Parish)	5200	1
Montgomery, Ala. (includes Elmore and Montgomery Counties)	5240	1
Muncie, Ind. (includes Delaware County)	5280	2
Muskegon-Muskegon Heights, Mich. (includes Muskegon County)	5320	2
Nashville, Tenn. (includes Davidson, Sumner, and Wilson Counties)	5360	2
Newark, N.J. (includes Essex, Morris, and Union Counties)	5640	2
New Haven-Waterbury, Conn. (includes New Haven County)	5480	2
New London-Groton-Norwich, Conn. (includes New London County)	5520	2
New Orleans, La. (includes Jefferson, Orleans, St. Bernard, and St. Tammany Parishes)	5560	2
Newport News-Hampton, Va. (includes Newport News and Hampton Cities and York County)	5600	2
New York, N.Y. (includes Bronx, Kings, New York, Queens, Richmond, Nassau, Rockland, Suffolk, and Westchester Counties)	5600	3
Norfolk-Portsmouth, Va. (includes Norfolk, Chesapeake, Portsmouth, and Virginia Beach Cities)	5720	2
Odessa, Tex. (includes Ector County)	5800	1
Ogden, Utah (includes Weber County)	5840	2
Oklahoma City, Okla. (includes Canadian, Cleveland, and Oklahoma Counties)	5880	2
Omaha, Nebr.-Iowa (includes Douglas and Sarpy Counties, Nebr., and Pottawattamie County, Iowa)	5920	2
Orlando, Fla. (includes Orange and Seminole Counties)	5960	2
Owensboro, Ky. (includes Davies County)	5990	2
Oxnard-Ventura, Calif. (includes Ventura County)	6000	2
Paterson-Clifton-Passaic, N.J. (includes Bergen and Passaic Counties)	6040	2
Pensacola, Fla. (includes Escambia and Santa Rosa Counties)	6080	2
Peoria, Ill. (includes Peoria, Tazewell, and Woodford Counties)	6120	2
Petersburg, Colonial Heights, Va. (includes Petersburg, Colonial Heights, and Hopewell Cities and Prince George and Dinwiddie Counties)	6140	1
Philadelphia, Pa.-N.J. (includes Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Burlington, Camden, and Gloucester Counties, N.J.)	6160	2
Phoenix, Ariz. (includes Maricopa County)	6200	2
Pine Bluff, Ark. (includes Jefferson County)	6240	1
Pittsburgh, Pa. (includes Allegheny, Beaver, Washington, and Westmoreland Counties)	6280	2
Pittsfield, Mass. (includes Berkshire County)	6320	2
Portland, Maine (includes Cumberland County)	6400	2
Portland, Oreg.-Wash. (includes Clackamas, Multnomah, and Washington Counties, Oreg., and Clark County, Wash.)	6440	3
Providence-Pawtucket-Warwick, R.I. (includes entire State)	6480	2
Provo-Orem, Utah (includes Utah County)	6520	2
Pueblo, Colo. (includes Pueblo County)	6560	2
Racine, Wis. (includes Racine County)	6600	2
Raleigh, N.C. (includes Wake County)	6640	2
Reading, Pa. (includes Berks County)	6680	1
Reno, Nev. (includes Washoe County)	6720	2
Richmond, Va. (includes Richmond City and Chesterfield, Henrico, and Hanover Counties)	6760	2
Roanoke, Va. (includes Roanoke City and Roanoke County)	6800	2
Rochester, Minn. (includes Olmsted County)	6820	1
Rochester, N.Y. (includes Monroe, Livingston, Orleans, and Wayne Counties)	6840	2
Rockford, Ill. (includes Winnebago and Boone Counties)	6880	2
Sacramento, Calif. (includes Sacramento, Placer, and Yolo Counties)	6920	3
Saginaw, Mich. (includes Saginaw County)	6960	2
St. Joseph, Mo. (includes Buchanan County)	7000	1
St. Louis, Mo.-Ill. (includes St. Louis City and Jefferson, St. Charles, St. Louis, and Franklin Counties, Mo., and Madison and St. Clair Counties, Ill.)	7040	2
Salem, Oreg. (includes Marion and Polk Counties)	7080	2
Salinas-Monterey, Calif. (includes Monterey County)	7120	3
Salt Lake City, Utah (includes Salt Lake and Davis Counties)	7160	2
San Angelo, Tex. (includes Tom Green County)	7200	1
San Antonio, Tex. (includes Bexar and Guadalupe Counties)	7240	3
San Bernardino-Riverside-Ontario, Calif. (includes Riverside and San Bernardino Counties)	7280	3
San Diego, Calif. (includes San Diego County)	7320	2
San Francisco-Oakland, Calif. (includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties)	7360	3
San Jose, Calif. (includes Santa Clara County)	7400	2
Santa Barbara, Calif. (includes Santa Barbara County)	7480	2
Santa Rosa, Calif. (includes Sonoma County)	7500	2
Savannah, Ga. (includes Chatham County)	7520	3
Scranton, Pa. (includes Lackawanna County)	7560	1
Seattle-Everett, Wash. (includes King and Snohomish Counties)	7600	3
Sherman-Denison, Tex. (includes Grayson County)	7640	1
Shreveport, La. (includes Bossier and Caddo Parishes)	7680	2
Sioux City, Iowa-Nebr. (includes Woodbury County, Iowa, and Dakota County, Nebr.)	7720	2
Sioux Falls, S. Dak. (includes Minnehaha County)	7760	1
South Bend, Ind. (includes St. Joseph and Marshall Counties)	7800	2
Spokane, Wash. (includes Spokane County)	7840	2
Springfield, Ill. (includes Sangamon County)	7880	2
Springfield, Mo. (includes Greene County)	7920	2
Springfield, Ohio (includes Clark County)	7960	2
Springfield-Chicopee-Holyoke, Mass. (includes Hampden and Hampshire Counties, Mass., and Tolland County Conn.)	8000	2
Steubenville-Weirton, Ohio-W. Va. (includes Jefferson County, Ohio, and Brooke and Hancock Counties, W. Va.)	8080	1
Stockton, Calif. (includes San Joaquin County)	8120	3
Syracuse, N.Y. (includes Madison, Onondaga, and Oswego Counties)	8160	2
Tacoma, Wash. (includes Pierce County)	8200	2
Tallahassee, Fla. (includes Leon County)	8240	2
Tampa-St. Petersburg, Fla. (includes Hillsborough and Pinellas Counties)	8280	2
Terre Haute, Ind. (includes Vigo, Clay, Sullivan, and Vermillion Counties)	8320	2
Texarkana, Tex.-Ark. (includes Bowie County, Tex., and Miller County, Ark.)	8360	2
Toledo, Ohio-Mich. (includes Lucas and Wood Counties, Ohio, and Monroe County, Mich.)	8400	2
Topeka, Kans. (includes Shawnee County)	8440	2
Trenton, N.J. (includes Mercer County)	8480	2
Tucson, Ariz. (includes Pima County)	8520	2
Tulsa, Okla. (includes Creek, Osage, and Tulsa Counties)	8560	2
Tuscaloosa, Ala. (includes Tuscaloosa County)	8600	2
Tyler, Tex. (includes Smith County)	8640	1
Utica-Rome, N.Y. (includes Herkimer and Oneida Counties)	8680	1
Vallejo-Napa, Calif. (includes Solano and Napa Counties)	8720	2
Vineland-Millville-Bridgeton, N.J. (includes Cumberland County)	8760	2
Waco, Tex. (includes McLennan County)	8800	2
Waterbury, Conn. (includes Litchfield County)	8880	2
Washington, D.C.-Md.-Va. (includes District of Columbia, Montgomery and Prince Georges Counties, Md., Alexandria, Fairfax, and Falls Church Cities, and Arlington, Fairfax, Loudoun, and Prince William Counties, Va.)	8840	3
Waterloo, Iowa (includes Black Hawk County)	8920	2
West Palm Beach, Fla. (includes Palm Beach County)	8960	2
Wheeling, W. Va.-Ohio (includes Marshall and Ohio Counties, W. Va., and Belmont County, Ohio)	9000	1
Wichita, Kans. (includes Sedgwick and Butler Counties)	9040	2
Wichita Falls, Tex. (includes Archer and Wichita Counties)	9080	2
Wilkes-Barre-Hazleton, Pa. (includes Luzerne County)	9120	1
Wilmington, Del.-N.J.-Md. (includes New Castle County, Del., Salem County, N.J., and Cecil County, Md.)	9160	2
Wilmington, N.C. (includes New Hanover and Brunswick Counties)	9200	2
Worcester, Mass. (includes Worcester County)	9240	2
York, Pa. (includes York and Adams Counties)	9280	1
Youngstown-Warren, Ohio (includes Mahoning and Trumbull Counties)	9320	2

RATING OF REMAINDER OF STATE TERRITORIES (EXCLUSIVE OF SMSA'S)

State	Statistical code	Rate territory	Counties and independent cities which are in SMSA's listed above (see SMSA list for rate territory)
Alabama	401	1	Baldwin, Elmore, Etowah, Jefferson, Limestone, Madison, Mobile, Montgomery, Russell, Shelby, Tuscaloosa, Walker.
Alaska	002	2	None.
Arizona	600	2	Maricopa, Pima.
Arkansas	605	1	Crawford, Crittenden, Jefferson, Miller, Pulaski, Saline, Sebastian.
California	906	2	Alameda, Contra Costa, Fresno, Kern, Los Angeles, Marin, Monterey, Napa, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, Stanislaus, Ventura, Yolo.
Colorado	809	2	Adams, Arapahoe, Boulder, Denver, El Paso, Jefferson, Pueblo.
Connecticut	109	1	All counties except Windham.
Delaware	310	1	New Castle.
Florida	041	2	Alachua, Broward, Dade, Duval, Escambia, Hillsborough, Leon, Orange, Palm Beach, Pinellas, Santa Rosa, Seminole.
Georgia	413	1	Bibb, Chatham, Chattahoochee, Clayton, Cobb, De Kalb, Dougherty, Fulton, Gwinnett, Houston, Muscogee, Richmond, Walker.
Hawaii	915	1	Honolulu.
Idaho	101	2	Ada.
Illinois	031	1	Boone, Champaign, Cook, Du Page, Henry, Kane, Lake, McHenry, McLean, Macon, Madison, Peoria, Rock Island, St. Clair, Sangamon, Tazewell, Will, Winnebago, Woodford.
Indiana	518	1	Allen, Boone, Clark, Clay, Dearborn, Delaware, Floyd, Hamilton, Hancock, Hendricks, Johnson, Lake, Madison, Marion, Marshall, Morgan, Porter, St. Joseph, Shelby, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warrick.
Iowa	719	1	Black Hawk, Dubuque, Linn, Polk, Pottawattamie, Scott, Woodbury.
Kansas	721	1	Butler, Kearny, Sedgwick, Shawnee, Wyandotte.
Kentucky	421	1	Boone, Boyd, Campbell, Daviess, Henderson, Jefferson, Kenton.
Louisiana	622	1	Bossier, Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Orleans, Ouachita, St. Bernard, St. Tammany.
Maine	123	1	Androscoggin, Cumberland.
Maryland	325	1	Ann Arundel, Baltimore (city and county), Carroll, Cecil, Harford, Howard, Montgomery, Prince Georges.

State	Statistical code	Rate territory	Counties and independent cities which are in SMSA's listed above (see SMSA list for rate territory)
Massachusetts	125	2	Berkshire, Bristol, Essex, Hampden, Hampshire, Middlesex, Norfolk Plymouth, Suffolk, Worcester.
Michigan	526	2	Bay, Clinton, Eaton, Genesee, Ingham, Jackson, Kalamazoo, Kent, Lapeer, Macomb, Monroe, Muskegon, Oakland, Ottawa, Saginaw, Washtenaw, Wayne.
Minnesota	527	1	Anoka, Clay, Dakota, Hennepin, Olmsted, Ramsey, St. Louis, Washington.
Mississippi	429	1	Harrison, Hinds, Rankin.
Missouri	729	1	Boone, Buchanan, Cass, Clay, Franklin, Greene, Jackson, Jefferson, Platte, St. Charles, St. Louis, St. Louis City.
Montana	830	1	Cascade, Yellowstone.
Nebraska	731	1	Dakota, Douglas, Lancaster, Sarpy.
Nevada	093	2	Clark, Washoe.
New Hampshire	133	1	Hillsborough, Merrimack, Rockingham.
New Jersey	234	2	All counties except Cape May, Hunterdon, Middlesex, Monmouth, Ocean, Somerset, Sussex.
New Mexico	635	2	Bernalillo.
New York	023	1	Albany, Bronx, Broome, Erie, Herkimer, Kings, Livingston, Madison, Monroe, Nassau, New York, Niagara, Oneida, Onondaga, Oswego, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Suffolk, Tioga, Wayne, Westchester.
North Carolina	437	1	Brunswick, Buncombe, Cumberland, Durham, Forsyth, Guilford, Mecklenburg, New Hanover, Orange, Randolph, Union, Wake, Yadkin.
North Dakota	838	1	Cass.
Ohio	539	1	Allen, Belmont, Butler, Clark, Clermont, Cuyahoga, Delaware, Franklin, Geauga, Greene, Hamilton, Jefferson, Lake, Lawrence, Loran, Lucas, Mahoning, Medina, Miami, Montgomery, Pickaway, Portage, Preble, Putnam, Richland, Stark, Summit, Trumbull, Van Wert, Warren, Wood.
Oklahoma	641	1	Canadian, Cleveland, Comanche, Creek, Le Flore, Oklahoma, Osage, Sequoyah, Tulsa.
Oregon	105	2	Clackamas, Lane, Marion, Multnomah, Polk, Washington.
Pennsylvania	342	1	Adams, Allegheny, Beaver, Berks, Blair, Bucks, Cambria, Chester, Cumberland, Dauphin, Delaware, Erie, Lackawanna, Lancaster, Lehigh, Luzerne, Montgomery, Northampton, Perry, Philadelphia, Somerset, Susquehanna, Washington, Westmoreland, York.
Puerto Rico	027	2	Assign all to rate territory 2.
Rhode Island	014	2	All counties in SMSA's.
South Carolina	445	2	Aiken, Berkeley, Charleston, Greenville, Lexington, Pickens, Richland.
South Dakota	846	1	Minnehaha.
Tennessee	447	1	Anderson, Blount, Davidson, Hamilton, Knox, Shelby, Sumner, Wilson.
Texas	649	1	Archer, Bexar, Bowie, Brazoria, Brazos, Cameron, Collin, Dallas, Denton, Ector, Ellis, El Paso, Fort Bend, Grayson, Guadalupe, Harris, Hidalgo, Jefferson, Johnson, Jones, Kaufman, Kinney, Liberty, Lubbock, McLennan, Midland, Montgomery, Nueces, Orange, Potter, Randall, Rockwall, San Patricio, Smith, Tarrant, Taylor, Tom Green, Travis, Webb, Wichita.
Utah	849	1	Davis, Salt Lake, Utah, Weber.
Vermont	150	1	None.
Virginia	351	1	Alexandria, Amherst, Arlington, Campbell, Chesapeake, Chesterfield, Dinwiddie, Fairfax (City and County), Falls Church, Hanover, Hampton, Henrico, Hopewell, Loudoun, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Prince George, Prince William, Richmond, Roanoke (city and county), Virginia Beach, York, Colonial Heights.
Washington	053	2	Clark, King, Pierce, Snohomish, Spokane.
West Virginia	354	1	Brooke, Cabell, Hancock, Kanawha, Marshall, Ohio, Wayne.
Wisconsin	555	1	Brown, Calumet, Dane, Douglas, Kenosha, La Crosse, Milwaukee, Ozaukee, Racine, Washington, Waukesha, Outagamie, Winnebago.
Wyoming	085	2	None.

Effective date. These regulations shall be effective August 1, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-9222 Filed 6-30-71;8:45 am]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart Q—Procedure Governing Matters Affecting Employment-Management Agreements Under the Postal Reorganization Act

Part 102 is amended by adding Subpart Q, reading as follows:

§ 102.135 **Employment-management agreements.**

(a) *Employment-management agreements.* All matters within the jurisdiction of the National Labor Relations Board pursuant to the Postal Reorganization Act (chapter 12 of title 39, United States Code, as revised) shall be governed by the provisions of Subparts A, B, C, D, F, G, I, J, K, L, M, O, and P of the rules and regulations insofar as applicable.

(b) *Inconsistencies.* To the extent that any provision of this Subpart Q is inconsistent with any provision of title 39, United States Code, the provision of said title 39 shall govern.

(c) *Exceptions.* For the purposes of this subpart, references in the subparts of the rules and regulations cited above to (1) "employer" shall be deemed to include the Postal Service, (2) "act" shall in the appropriate context mean "Postal Reorganization Act," (3) "section 9(c) of the act" and cited paragraphs thereof shall mean "39 U.S.C. secs. 1203(c) and 1204," and (4) "section 9(b) of the act" shall mean "39 U.S.C. sec. 1202."

This subpart shall become effective upon the date established by the Board of Governors of the Postal Service, pursuant to section 15(a) of the Postal Reorganization Act (84 Stat. 719), as the date upon which the provisions of chapter 12 of the Postal Reorganization Act (39 U.S.C. sec. 1201, et seq.) shall become effective.

OGDEN W. FIELDS,
Executive Secretary.

[FR Doc.71-9240 Filed 6-30-71;8:45 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 41—AIR SERVICE

Privately Manufactured Aerogrammes; New Format

In the daily issue of April 22, 1971 (36 F.R. 7603), the Department published a notice of proposed rule making relating to regulations codified in § 41.5(b) of Title 39, Code of Federal Regulations. That section authorizes the manufacture and use of private aerogrammes without imprinted postage thereon, subject to specifications approved by the Postal Service. The cited Notice proposed to amend those regulations to require that private aerogrammes have three sealing flaps; and, when folded, have size dimensions of 7¼ by 3$^{9}/_{16}$ inches. It was further proposed that the aerogrammes be manufactured of 18-pound paper, and that a finish such as silicon plastic be not permitted.

Interested persons were given 30 days within which to submit written data, views, and arguments concerning the proposed regulations. After consideration of all comments received, the Department has determined to adopt the proposals without substantive change.

Accordingly, the following amendments to the Department's regulations are hereby made, to be effective on the 30th day following the date of this publication in the FEDERAL REGISTER.

In § 41.5 *Aerogrammes*, amend paragraph (b) to read as follows:

§ 41.5 **Aerogrammes.**

* * * * *

(b) *Private manufacture.* Individuals or firms may be authorized by the U.S. Postal Service to manufacture private aerogrammes without imprinted postage for their own use or for sale to the public. To secure authorization the applicant must apply for an aerogramme permit and submit three samples of the proposed aerogramme to the Director, Office of Mail Classification, U.S. Postal Service, Washington, DC 20260, for approval before engaging in production. A sample format may be obtained from the Office of Mail Classification. The samples

submitted for approval, and the final printing of the aerogrammes, must be on 18-pound paper (500 sheets, 17 inches by 22 inches) of light blue color as well as texture equivalent to the regular three-flap aerogramme issued by the Postal Service. No artificial slipper finish such as silicon plastic will be permitted. The sheets, when folded, must have size dimensions of 7¼ by 3⁹⁄₁₆ inches and have three sealing flaps. The samples submitted for approval need not have the flaps gummed, but the areas to be gummed must be identified. The sheets must bear the same printed endorsements on the address and reverse sides as the regular aerogramme form issued by the Postal Service, as well as the printed return address of the applicant, or lines on which the return address may be written if the sheets are to be produced for sale to the public. In addition, the words "Authorized for mailing as aerogramme—P.S. Permit No. ------" (the number to be filled in when issued) must appear in smaller type so they will be visible on the address side and near the lower edge when the sheet is folded for mailing. The permit number will be issued at the time the aerogramme is approved. Approved private aerogrammes may be paid at the aerogramme rate, except that to Canada and Mexico they may be paid at the regular airmail letter rate.

* * * * *

(39 U.S.C. 401, 407)

DAVID A. NELSON,
General Counsel.

[FR Doc. 71-9326 Filed 6-30-71;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A–7—CONTRACT CLAUSES

The table of contents of Part 5A–7 is amended as follows:

Sec.
5A-7.101-77 Availability for inspection and testing and delivery.

Subpart 5A–7.1—Fixed-Price Supply Contracts

Section 5A-7.101-77 is added as follows:

§ 5A–7.101–77 Availability for inspection and testing and delivery.

The following clause may be used in requirements type solicitations at the discretion of the contracting officer:

AVAILABILITY FOR INSPECTION AND TESTING AND DELIVERY

The Government requires that the supplies be available for inspection and testing within ---------- days after receipt of order and be delivered at destination within ---------- days after notice of approval and release by the Government representative.

If the Contractor fails to make the supplies available for inspection and testing within the number of days after receipt of order specified above, the Contractor shall be deemed to have failed to make delivery within the purview of Article 11(a)(i) of the General Provisions, Standard Form 32. If the Contractor makes the supplies available for testing and inspection within the number of days specified above and the Government rejects the supplies for nonconformance with specification requirements, the contract shall be subject to termination for default pursuant to Article 11(a)(ii) of the General Provisions, Standard Form 32.

PART 5A–53—CONTRACT ADMINISTRATION

The table of contents of Part 5A–53 is amended as follows:

Sec.
5A-53.472 Issuance of preliminary notice of default.

Subpart 5A–53.4—Contract Performance

Section 5A-53.472 is added as follows:

§ 5A–53.472 Issuance of preliminary notice of default.

(a) Quality control representatives are hereby authorized and directed to act as representatives of the contracting officer with regard to the issuance of a preliminary notice of default pursuant to paragraph (a)(i), Article 11, General Provisions (Supply Contract). As a rule, a preliminary notice shall be issued when, notwithstanding efforts by the quality control representative in connection with his contract administration assistance functions, a contractor has failed to make delivery within the time specified. However, in unusual situations relating to a particular contract, after obtaining approval from the Regional Director, FSS, or the Director, Procurement Operations Division, as applicable, the contracting officer may direct that the quality control representative not issue a preliminary notice of default without prior clearance of the contracting officer. In addition, quality control representatives shall not issue a preliminary notice of default against nonstores AID contracts awarded by the Special Programs Division, Office of Procurement.

(b) Quality control representatives shall issue preliminary notices of default in accordance with the provisions of Subpart 1–8.6 of the FPR, and Subparts 5–8.6 and 5A–8.6 of the GSPR. Among other matters, quality control representatives should be fully familar with the provisions of §§ 1.8.602–3 of the FPR and 5A–8.602–3 of the GSPR which set forth procedure in case of default and provide that evidence as to the cause of default, including information on excusability, can be obtained by the use of a preliminary notice of default. If quality control representatives are in doubt whether issuance of a preliminary notice is warranted pursuant to the aforementioned provisions, they shall consult with their superiors, regional Counsel, or the contracting officer, as necessary.

(c) Exhibits in §§ 5A–76.112 and 5A–76.113 provide the formats for issuance of a preliminary notice of default designed for use by quality control representatives and shall be used by them as the need arises. On the day of issuance of a preliminary notice of default, the quality control representative shall forward to the contracting officer a copy of the notice together with all the information that prompted him to issue it.

(d) Exhibit 5A–76.120 provides the format for issuance of a preliminary notice of default by quality control representatives when the contract contains the "Availability for Inspection and Testing and Delivery" clause (see § 5A–7.101–77) and the contractor fails to make supplies available for inspection and testing. This format shall also be utilized as indicated in paragraph (c) of this section.

PART 5A–76—EXHIBITS

The table of contents of Part 5A–76 is amended as follows:

Sec.
5A-76.120 Format for Preliminary Notice of Default Under Subparagraph (a)(i) of the Default Clause—For Use By Representatives of the contracting officer (§ 5A–53.472).

Sections 5A-76.112 and 5A-76.113 are revised and § 5A-76.120 is added.

NOTE: The illustrations identified in this Subpart 5A–76.1 are filed with the original document. Copies may be obtained from General Services Administration (FPP), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(C); 41 CFR 5–1.101(c))

Effective date. These regulations are effective July 15, 1971.

Dated: June 22, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.71-9432 Filed 6-30-71;9:31 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Sales or Other Dispositions of Term Interests in Property; Correction

On June 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12018). In the first sentence of subdivision (a) of *Example* (5) appearing in paragraph (c) of § 1.1014–5, the phrase "and an estimated useful life of 27 years" should be deleted.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-9306 Filed 6-30-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1079]

MILK IN DES MOINES, IOWA, MARKETING AREA

Termination of Proceedings on Proposed Suspension of Certain Provisions of Order

Notice is hereby given, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), of termination of proceedings on proposed suspension of certain provisions of the order regulating the handling of milk in the Des Moines, Iowa, marketing area. The notice of proposed suspension was issued June 1, 1971 (36 F.R. 10879). Interested parties were invited to submit views, data, or arguments to the Hearing Clerk not later than June 11, 1971.

The provisions of § 1079.10(b) were proposed to be suspended. The proposed suspension would have made inoperative the basis for qualifying a supply plant as a pool plant under the Des Moines order.

Suspension was requested by three cooperative associations of producers to preclude pool plant status for milk received at a plant at Fredericksburg, Iowa. A portion of the milk received at this plant from dairy farmers is transshipped to a pool distributing plant at Ottumwa, Iowa, and then is returned to the Fredricksburg plant. The cooperatives contended that the milk at the Fredricksburg, Iowa, plant is being associated with the market strictly for the purpose of pooling, is actually used in manufacturing dairy products, and is not intended for meeting the fluid milk requirements of pool distributing plants. They stated, further, that the pooling of such additional milk depresses the uniform price to their members who regularly supply the market.

The operator of the Fredricksburg plant and the handler operating the pool distributing plant at Ottumwa filed objections to the proposed suspension. They contended that the supply of milk received at the Fredricksburg plant is being made available to the distributing plant as needed to meet additional fluid milk sales outlets. They consider this a valid reason for developing the additional supply of milk. They requested, further, that they have opportunity to be heard fully before any change in pooling requirements is considered.

On the basis of available information, including the written views, data, and arguments submitted by interested parties, removal of the pool supply plant provisions of the Des Moines order by the emergency suspension action is not warranted. The supply plant provisions are an important part of the order. They provide the means of identifying for pool status that milk assembled at plants for transshipment to distributing plants. This is one of the handling practices used with respect to milk produced a substantial distance from the location of the distributing plant being supplied.

The milk supply territory for the Des Moines market extends throughout most of Iowa, southern Minnesota, and southwestern Wisconsin. The milk in such territory in some instances is first assembled at plants near the farms of producers for transshipment to distributing plants. Fredricksburg, Iowa, is situated within the heavy northeast Iowa production territory wherein Des Moines handlers obtain a substantial volume of milk.

Complete elimination of the supply plant provisions by the proposed suspension action would not allow pooling of any milk assembled through a supply plant and would require all milk to be shipped directly from farms to distributing plants to obtain pool status. To pool only milk received at distributing plants direct from the farms in this market would unduly limit the method and sources of supply available to distributing plants in meeting their fluid milk requirements.

It therefore is found and determined that the proposed suspension of the aforesaid pool supply plant provisions of the Des Moines order should not be effectuated; and the proceeding begun in this matter on June 1, 1971, should be and is hereby terminated. If proponents wish to pursue this matter further they may petition for a hearing on proposed amendment of the order.

Signed at Washington, D.C., on June 25, 1971.

CLAYTON YEUTTER,
Administrator,
Consumer and Marketing Service.

[FR Doc.71-9313 Filed 6-30-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

INGREDIENT STATEMENTS REGARDING OILS AND FATS

Proposed Statement of Policy

Correction

In F.R. Doc. 71–8272 appearing on page 11521 in the issue of Tuesday, June 15, 1971, a line reading "specific vegetable food fat, oil, or stearin;" should be inserted following the fifth line of § 3.83 (b) (2).

Office of the Secretary

[45 CFR Part 15]

RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Notice of Proposed Rule Making

Notice is hereby given that the Department of Health, Education, and Welfare proposes to issue the regulations set forth below as a new Part 15 of Title 45 of the Code of Federal Regulations to implement the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601–4602, 4621–4639, 4651–4655). The regulations will be issued under the authority of 42 U.S.C. 4633.

Comments and suggestions for refinement of these proposed regulations are invited and will be considered in preparation of definitive Departmental regulations and procedures. Any such comments or suggestions should be forwarded to the Facilities Engineering and Construction Agency, Office of the Secretary, Department of Health, Education, and Welfare by August 1, 1971, for appropriate consideration and possible inclusion in the definitive regulations. Any comments that may be received in response to this notice will be available for public inspection in Room 3025, 330 Independence Avenue SW., Washington, DC, during regular business hours.

Title 45, Subtitle A, of the Code of Federal Regulations would be amended by adding the following new Part 15:

PART 15—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Subpart A—General

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

Subpart C—Moving and Related Expenses

Subpart D—Federally Assisted Programs

Subpart E—Uniform Real Property Acquisition Policy

Subpart A—General

§ 15.1 Purpose.

The purpose of the regulations in this part is to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) (hereinafter referred to as the Act), and the Interim Guidelines issued by the Office of Management and Budget, dated February 27, 1971.

§ 15.2 Background.

The Act establishes a uniform policy for the fair and equitable treatment of persons who are displaced, or have their real property taken for Federal or federally assisted programs. The need for these policies arises from the increasing impact of such programs as they evolved to meet the needs of a growing and increasingly urban population. The Act provides a program of relocation payments, advisory assistance, assurance that prior to displacement there will be available for displaced persons comparable, decent, safe, and sanitary replacement housing, economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. A uniform policy is established on the real property acquisition practice for all Federal and federally assisted programs.

§ 15.3 Effective date.

Payments prescribed in this procedure shall be provided to all persons eligible on and after January 2, 1971, but, prior to July 2, 1972, in the case of a State agency, only to the extent that the State agency can comply under State laws. The procedures in this part, exclusive of payments, are effective immediately, except insofar as a State agency is unable to comply fully with all provision hereof. These procedures will become fully effective in such a State as soon as it can comply with all provisions of the Act, but in every case after July 1, 1972.

§ 15.4 Definitions.

(a) State means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(b) State agency means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, or any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(c) Federal financial assistance means a grant, loan, or contribution provided by the United States, except any annual payment or capital loan to the District of Columbia and any Federal guarantee or insurance.

(d) Person means any individual, partnership, corporation, or association.

(e) Displaced person means any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; or, solely for the purposes of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as a result of the written order of the acquiring agency to vacate other real property on which such person conducts a business or farm operation, for such a program or project. If a person moves on or after January 2, 1971, as the result of such a notice to vacate, it makes no difference whether the real property is acquired before or after that date or even is actually acquired, if Federal funds are used for or contribute to the cost of the program or project.

(f) Business means any lawful activity, excepting a farm operation, conducted primarily: (1) For the purchase, sale, lease, or rental of personal and real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; (2) for the sale of services to the public; (3) by a nonprofit organization; or (4) solely for the purposes of section 202(a) of the Act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of such activities are conducted.

(g) Farm operation means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, which customarily produce such products or commodities in sufficient quantities as to be capable of contributing materially to the operator's support.

(h) Mortgage means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(i) Initiation of negotiation means the date the acquiring agency makes the first personal contact with the owner or his representative at which the price for the real property to be acquired is discussed.

(j) Displacing agency means the Federal, State, or local agency that acquires the real property or gives a written notice to a person to vacate the real property.

§ 15.5 Applicability.

The Act applies to any owner or tenant displaced because of a Federal or federally assisted program or project. While relocation is generally associated with construction type programs, there may be other DHEW programs or projects, such as those involving the lease of space, which result in the relocation of people. Displaced persons may claim relocation assistance pursuant to the Act under the following DHEW programs. This list is not exhaustive but includes these major programs:

OFFICE OF EDUCATION

FEDERALLY ASSISTED

(a) Public community colleges and technical institutes, title I, section 103, Higher Education Facilities Act, 20 U.S.C. 713.

(b) Other undergraduate academic facilities, title I, section 104, Higher Education Facilities Act, 20 U.S.C. 714.

(c) Graduate academic facilities, title II, section 201, Higher Education Facilities Act, 20 U.S.C. 731.

(d) Academic facilities, title III, section 301, Higher Education Facilities Act, 20 U.S.C. 741.

(e) Academic facilities, title III, section 306, Higher Education Facilities Act, 20 U.S.C. 746.

(f) Public school construction (Public Law 81-815) 20 U.S.C. 631-647.

(g) Schools affected by disasters. (Sec. 10 of Public Law 81-815, 20 U.S.C. 646; sec. 7 of Public Law 81-874, 20 U.S.C. 241-1).

FEDERAL CONSTRUCTION ACTIVITIES

Sections 9 and 10, Public Law 81-815

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

FEDERALLY ASSISTED

(a) Hospital construction under Hill-Burton program, title VI, PHS Act, 42 U.S.C. 291.
(b) Construction of public health center under Hill-Burton program, title VI, PHS Act, 42 U.S.C. 291.
(c) Long-term care facility construction under Hill-Burton program, title VI, PHS Act, 42 U.S.C. 291.
(d) Outpatient facilities construction under Hill-Burton program, title VI, PHS Act, 42 U.S.C. 291.
(e) Construction of rehabilitation facilities under Hill-Burton program, title VI, PHS Act, 42 U.S.C. 291.
(f) Modernization of hospitals and other medical facilities under Hill-Burton program, title VI, PHS Act, 42 U.S.C. 291.
(g) Equipping hospital and medical facilities, title VI, PHS Act, 42 U.S.C. 291.
(h) Loan for construction of medical facilities in the District of Columbia, 32 D.C.C. 201.
(i) Construction of community mental health center, title II, part A, Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, 42 U.S.C. 2681-2687.
(j) Construction of narcotic addict treatment facilities, title II, part D, MRF & CMHCC Act, 42 U.S.C. 2688.
(k) Construction of facilities for the prevention and treatment of alcoholism and specialized facilities for treatment of alcoholics, sections 241 and 243, MRF & CMHCC Act, 42 U.S.C. 2688 f and h.
(l) Construction of children's mental health facilities, title III, part F, MRF & CMHCC Act, 42 U.S.C. 2688.
(m) Construction of experimentally designed health facilities, section 304, PHS Act, 42 U.S.C. 242b.
(n) Construction of facilities for heart disease, cancer, stroke, kidney disease, and related diseases, regional medical program, title IX, PHS Act, 42 U.S.C. 299 et seq.
(o) Construction of demonstration health facilities, title II, part A, section 202, Appalachian Regional Development Act, 40 U.S.C. 202.

FEDERAL CONSTRUCTION ACTIVITIES

(a) National Communicable Disease Center.
(b) National Institute of Mental Health.
(c) Indian Health Service.
(d) Federal Health Programs Service.

NATIONAL INSTITUTES OF HEALTH

FEDERALLY ASSISTED

(a) Construction of health research facilities program, title VII, part A, PHS Act, 42 U.S.C. 292 et seq.
(b) Construction of teaching facilities for medical, dental and other health professions personnel under title VII, part B, PHS Act, 42 U.S.C. 293.
(c) Construction of nurse training facilities, title VIII, part A, PHS Act, 42 U.S.C. 296 et seq.
(d) Construction of teaching facilities for allied health professions personnel, title VII, part G, PHS Act, 42 U.S.C. 295h.
(e) Construction of medical library facilities, section 393, PHS Act, 42 U.S.C. 280b.
(f) Construction of regional medical libraries, section 397(b)(6) PHS Act.

FEDERAL CONSTRUCTION ACTIVITIES

All construction related to NIH facilities.

SOCIAL AND REHABILITATION SERVICE

FEDERALLY ASSISTED

(a) Construction of workshop rehabilitation facility, section 12, Vocational Rehabilitation Act, 29 U.S.C. 31-41.
(b) Construction of community mental retardation facility under title I, part C, MRF & CMHCC Act, 42 U.S.C. 2671-2677.
(c) Construction of university affiliated mental retardation facility under title I, part B, MRF & CMHCC Act, 42 U.S.C. 2661-2665.
(d) Construction of facilities for the mentally retarded and persons with other developmental disabilities, 42 U.S.C. 2671-2677.

FOOD AND DRUG ADMINISTRATION—FEDERAL CONSTRUCTION ACTIVITIES

SOCIAL SECURITY ADMINISTRATION—FEDERAL CONSTRUCTION ACTIVITIES

§ 15.6 Categorical exceptions.

The mandatory requirements of the Act do not apply to programs or projects or private entities.

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

§ 15.10 Determination.

(a) DHEW agencies may not proceed with the phase of any project, or authorize a State agency to proceed with the phase of any project, which will cause the displacement of any person until it has determined, or received satisfactory assurance from the displacing agency, that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Public Law 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in paragraph (d) of this section, for, and available to, the number of such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(b) This determination or assurance shall be based on a current survey and analysis of available replacement housing by the displacing agency. Such survey and analysis must take into account the competing demands on available housing.

(c) In certain extraordinary situations where immediate possession of real property is of crucial importance, the Secretary may waive the requirements of paragraph (a) of this section. Requests for such a waiver must be substantially documented and supported by sufficient documentation to show the necessity for such a waiver.

(d) A decent, safe, and sanitary dwelling is one which is found to be in sound, clean and weathertight condition, and which meets local housing codes. The Secretary will consider the following criteria in determining whether a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the cases of unusual or unique geographical areas or circumstances:

(1) A housekeeping unit must include a kitchen with fully usable sink; a stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) A nonhousekeeping units is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the Secretary.

(3) Occupancy standards for replacement housing must comply with local codes or, in the absence of local codes, the requirements of the Secretary.

(4) A dwelling unit meeting the physical and occupancy standards stated above will be considered as suitable replacement housing only when it is reasonably convenient to such community facilities as schools, stores, and public transportation.

(e) Where local housing codes do not exist or do not contain certain minimum standards, the Secretary will prescribe the standards.

§ 15.11 Housing provided as a last resort.

The Secretary will provide replacement housing for Federal projects when it is determined that the required housing cannot otherwise be made available. Criteria, guidelines, and procedures to implement this section will be issued by the Secretary of Housing and Urban Development.

§ 15.12 Loans for planning and preliminary expenses.

The Act provides for seed money loans for planning and obtaining federally insured mortgage financing to stimulate the construction and rehabilitation of sale and rental housing to meet the needs of displaced families and individuals. Loans may be made to nonprofit, limited-dividend, or cooperative organizations, and to public bodies, for not more than 80 percent of the reasonable expenses, prior to construction, for such activities as preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site title searches and appraisals, application and mortgage commitment fees and charges, legal fees, and construction loan fees and discounts. Criteria, guidelines and procedures for this section will be issued by the Secretary of Housing and Urban Development.

Subpart C—Moving and Related Expenses

§ 15.17 Actual reasonable expenses in moving.

(a) *To be allowed.* (1) Transportation of individuals, families, and property, including storage, to the replacement site, not to exceed a distance of 5 miles, except when the Secretary determines that relocation beyond the 50-mile area is justified.

(2) Packing and crating of personal property.

(3) Advertising for packing, crating, and transportation when the Secretary determines that such advertising is desirable.

(4) Storage of personal property for a period generally not to exceed 6 months when the Secretary determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, and reestablishment of machinery, equipment, appliances, and other items not acquired as real property, including reconnection of utilities, which do not constitute an improvement (except when required by law) to the replacement site, and which were not acquired by the Department. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person will be required to agree in writing that the property is personal and that the Secretary is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees) in the process of moving, when insurance to cover such loss or damage is not available.

(8) Such other expenses as are determined by the Secretary to be reasonable.

(b) *Limitations.* (1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds received from the sale, or the cost of moving, whichever is less.

(3) When personal property used in connection with any business or farm operation to be moved is of low value and high bulk, and when the cost of moving would be disproportionate in relation to the value, in the judgment of the Secretary, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing it with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals and similar type items of personal property.

§ 15.18 Actual direct losses by business or farm operation.

When the displaced person does not move personal property, he will be required to make a bona fide effort to sell it.

(a) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to payment provided for in § 15.17(b)(2).

(b) When a business or farm operation is discontinued, the displaced person is entitled to the difference between the in-place value of personal property used in connection therewith and the sale proceeds, or the cost of moving, whichever is less.

(c) When personal property is abandoned, the displaced person is entitled to payment for the difference between the in-place value and the amount which would have been received from the sale of the item, or the cost of moving, whichever is less.

§ 15.19 Exclusions on moving expenses and losses.

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Modification of personal property to adapt it to the replacement site, except when required by law.

(k) Such other items as the Secretary determines should be excluded.

§ 15.20 Expenses in searching for replacement business or farm.

(a) *To be allowed.* (1) Travel costs.

(2) Extra costs for meals and lodging.

(3) Cost of searching, at the rate of the displaced person's salary or earnings but not in excess of $10 per hour.

(4) Brokerage or realtor fees to locate a replacement business or farm operation under approved circumstances.

(b) *Limitation.* The total amount which a displaced person may be paid for searching expenses shall not exceed $500, unless the displacing agency determines that a greater amount is justified on the basis of the circumstances involved.

§ 15.21 Payments in lieu of moving and related expenses.

(a) *Dwellings—schedules.* The Act provides that agencies may pay a moving expense allowance based on established schedules. Such schedules shall be based on moving allowance schedules maintained by the individual State highway departments or such other schedules as the Secretary may recognize, shall be current and shall provide for adequacy of reimbursement in every locality.

(b) *Business—(1) Eligibility.* To be eligible for payment, the business being considered must contribute materially to the income of the displaced owner. This standard eliminates those part-time family occupations which do not contribute materially to a displaced person's income.

(2) *Loss of existing patronage.* A fixed payment may be made to a business if the Secretary determines (i) that the business cannot be relocated without a substantial loss of existing patronage and (ii) that the business is not part of a commercial enterprise having another establishment which is engaged in a similar business but which is not being acquired. The determination of loss of existing patronage will be made by the displacing agency only after consideration of all pertinent circumstances, including the following factors:

(*a*) The type of business conducted by the displaced concern.

(*b*) The nature of the clientele of the displaced concern.

(c) The relative importance of the present and proposed location to the displaced business.

(c) *Farms—partial taking.* In the case in which an entire farm operation is not displaced, the payment will be made only if the Secretary determines that the farm met the definition of a farm operation prior to the displacement and that the remaining property is no longer economically operable.

§ 15.22 Replacement housing payments for home owners.

(a) A displaced owner-occupant is eligible for a replacement housing payment if he meets the following requirements:

(1) Actually ownership and occupancy of the acquired dwelling for not less than 180 days prior to the initiation of negotiations for the property.

(2) Relocation and occupancy in a decent, safe, and sanitary dwelling occurs within a 1-year period from the date on which he was required to move.

(3) The displacing agency, which will also process the relocation, inspects the replacement dwelling and determines that it meets the standards for decent, safe, and sanitary housing.

(b) A displaced owner-occupant who is determined to be ineligible under this section may be eligible for a replacement housing payment under § 15.35.

§ 15.23 Comparable replacement dwelling.

A comparable replacement dwelling is one which is:

(a) Decent, safe, and sanitary.

(b) Functionally equivalent and substantially the same as the acquired dwelling with respect to:

(1) Number of rooms.

(2) Area of living space.
(3) Age.
(4) State of repair.

(c) Open to all person regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(d) In areas not generally less desirable than the dwelling to be acquired in regard to:

(1) Public utilities.
(2) Public and commercial facilities.

(e) Reasonably accessible to the relocatee's place of employment.

(f) Available on the market to the displaced person.

(g) Within the financial means, considering subsidy payments, of the displaced family or individual.

§ 15.24 Computation of replacement housing payment.

(a) *Differential payment for replacement housing.* The Secretary will determine the amount necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* The Secretary will establish the reasonable acquisition cost for comparable replacement dwellings in the various types of dwellings to be acquired and available determined on a current analysis of the market for each type of dwelling to be acquired. When more than one Federal agency is causing the displacement in a community or an area, the Secretary will cooperate with the heads of the other agencies on the method of computing the replacement housing payment and will apply uniform schedules of sale housing in the community or areas.

(2) *Comparative method.* The Secretary may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person, and meeting the definition of comparable replacement dwelling. Asking prices are to be adjusted to reflect the market sale experience. A single dwelling will be used only when additional comparable dwellings are not available.

(3) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible the Secretary will compute the amount of the payment.

(4) *Limitations.* The amount established as the differential payment for the replacement housing sets the upper limit of this payment. To qualify for the full amount the displaced person must purchase and occupy a decent, safe, and sanitary dwelling equal to or higher in price than the acquisition price of the acquired dwelling.

(i) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than that established under subparagraph (2) of this subparagraph, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.* The interest payment will be based on the current cost of the interest differential including points paid by the purchaser on the amount refinanced but not exceeding the amount of the unpaid debt for its remaining term at the time of acquisition of the real property.

(c) *Incidental expenses.* (1) Reimbursable incidental expenses are the amounts necessary to reimburse the homeowner for actual costs incurred by him incident to the purchase of the replacement dwelling such as:

(i) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(ii) Lenders', FHA or VA, appraisal fees.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA or VA

(v) Credit report.

(vi) Title policies or abstracts of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined under the Truth in Lending Act, title I of Public Law 90–231 and Regulation "Z" issued pursuant thereto by the Board of Governors of the Federal Reserve System (12 CFR Part 226), to be a part of the finance charge.

§ 15.25 Replacement housing payment for tenants and certain others.

(a) A displaced tenant or owner-occupancy of less than 180 days is eligible for a replacement housing payment if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for the property. Tenants and other persons occupying the property will be advised when negotiations for the property are initiated with the owner thereof.

(2) Rented and occupied a decent, safe, and sanitary dwelling within the 1-year period from the date on which he was required to move.

(b) An owner-occupant otherwise eligible for a payment under § 15.22 who rents instead of purchasing a replacement dwelling is eligible for replacement housing as a tenant.

§ 15.26 Computation of replacement housing payment for displaced tenants.

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing, he is eligible for a downpayment including closing costs.

(a) *Rental replacement housing payment.* The Secretary will determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* The Secretary will establish a rental schedule for renting comparable replacement dwellings as described in § 15.24 in the various types of dwellings to be acquired and available on the private market. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiation if such rent was reasonable. The schedule will be based on a current analysis of the market for each type of dwelling required. When more than one Federal agency is causing the displacement in a community or an area, the Secretary will cooperate on the method for computing the replacement housing payment and will use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.* The Secretary will determine the average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 15.24. The payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent prior to initiation of negotiations, if such rent was reasonable.

(3) *Exceptions.* The Secretary may establish the average month's rent by using more than 3 months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible, the Secretary will apply appropriate and reasonable criteria for computing the payment.

(5) *Disbursement of rental replacement housing.* All rental replacement housing payments in excess of $500 will be made in four equal annual installments. Before making each installment payment, the displacing agency must verify that the tenant is in decent, safe, and sanitary housing.

(b) *Purchases—replacement housing payment.* If the tenant elects to purchase instead of renting, the payment will be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing.

(1) The downpayment shall be the amount necessary to make a downpayment on a comparable replacement

dwelling. Determination of the amount necessary for such a downpayment will be based on the amount of downpayment that would be required for a conventional loan.

(2) Incidental expenses of closing the transaction are those as described in § 15.24(c).

(3) The full amount of the downpayment must be applied to the purchase price and such a downpayment and incidental costs shown on the closing statement.

(c) *Other payment.* If the displaced person cannot be paid or payment computed under paragraph (b) of this section, payment should be computed as provided under § 15.27.

§ 15.27 Computation of replacement housing payments for certain others.

(a) A displaced owner-occupant who is not eligible under § 15.22 because he elects not to purchase a replacement dwelling but who wishes to rent may receive a rental replacement housing payment not in excess of $4,000. The payment will be computed in the manner prescribed in § 15.26(a) with the following additional criteria:

(1) The present rental rate for the acquired dwelling will be economic rent as determined on the basis of market data, and

(2) The payment may not exceed the amount which he would have received had he elected to receive a replacement housing payment under § 15.22.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under § 15.22 because of the 180-day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not in excess of $4,000. The payment will be computed in the same manner as shown in § 15.26 except that the present rental rate for the acquired dwelling will be economic rent as determined on the basis of market data.

(c) A displaced owner-occupant who does not qualify for a replacement housing payment under § 15.22 because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing down payment and closing costs not in excess of $4,000. The payment will be computed in the same manner as shown in § 15.26(b).

§ 15.28 Relocation assistance advisory services.

The Secretary through contracting with other Federal agencies or State or local agencies shall provide a relocation assistance advisory program that will:

(a) Determine the needs of displaced persons and business concerns for relocation assistance.

(b) Provide current, complete, and continuing information on the availability of suitable relocation resources, both residential and commercial.

(c) Assure that suitable replacement housing units will be available, prior to displacement, to persons displaced (§ 15.23).

(d) Assist displaced business concerns in obtaining and becoming established in a suitable replacement location.

(e) Supply information to those displaced concerning Federal and State housing programs, disaster loan programs, and other Federal and State programs offering assistance to displaced persons and business concerns.

(f) Provide other advisory services to displaced persons and business concerns in order to minimize hardships.

Additionally, relocation assistance advisory services are also to be provided to persons and business concerns occupying property adjacent to the area where project or program activities are being carried out, when it is determined that they have suffered substantial economic injury as result of such activities. When more than one Federal agency is involved in the displacement, the Secretary may contract for such services with the agency that will provide the maximum coordination.

Subpart D—Federally Assisted Programs

§ 15.33 Assurances from State agencies.

(a) The Secretary will, through the cognizant DHEW Agency, obtain from public applicants or grantees carrying out projects or programs involving real property acquisition, the following assurances:

(1) That fair and reasonable relocation payments and assistance will be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of the Act.

(2) That relocation assistance programs offering the services described in section 205 of the Act will be provided to such displaced persons.

(3) That within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of the Act.

(4) That every affected person will be adequately informed of the benefits, procedures, and policies to be employed.

(5) That in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301, and the provisions of section 302, of the Act.

(6) That property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Act.

(b) The State agency's assurances will be accompanied by a statement in which it specifies any provision of the assurances required by sections 210 and 305 of the Act, which it is unable to provide in whole or in part, under its laws. In the event a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement shall be supported by an opinion of the chief legal officer of the State, or other appropriate legal officer. The opinion shall contain a full discussion of the conclusion of legal inability to provide any part of the required assurances.

(c) The State agency shall also provide a statement indicating the extent to which it can comply with the provisions of sections 301 and 302 of the Act. If the State agency indicates that it is unable to comply fully with any of such policies, its statement shall be supported by an opinion of the chief legal officer of the State, or other appropriate legal officer. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of inability to comply with any of the provisions set forth in sections 301 and 302 of the Act.

§ 15.34 Grantees' additional responsibilities.

(a) Cognizant DHEW agencies will require of public grantees that affected individuals be notified in person or by first class mail of the fact that they will be displaced.

(b) Reimbursement or participation by DHEW in the State agencies' costs will be limited to those payments which are made to persons who have received notice to vacate or whose residence or property has in fact been acquired.

(c) If the displacing State agency elects to contract with any Federal, State, local, or private agency to administer relocation payments and assistance on the displacing agency's behalf, a copy of the contract must be made a part of the grant or loan document. Such contracts must contain, in addition to the performance requirements and other terms, the following provisions, and must be otherwise consistent with these regulations.

(1) That payments or services will be provided in accordance with DHEW regulations.

(2) That records required by DHEW regulations will be retained for a period of at least 3 years and shall be available for inspection by representatives of the Federal Government.

(3) That there will be compliance with the clauses prescribed by DHEW regulations (Part 80 of this subtitle) implementing Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

§ 15.35 Records and reports.

The displacing agency shall maintain and submit such reports and records as may be prescribed by the Secretary.

§ 15.36 Appeals.

The non-Federal displacing agency shall establish procedures consistent with State and local law for the review of appeals under this procedure.

§ 15.37 Effect on project funding.

(a) DHEW program officials will immediately notify public agencies who may be preparing project applications that relocation payments and services will be an eligible project expense. Applications must contain an estimate of the total cost of relocation assistance and a description of the method by which the cost estimate was derived.

(b) Section 211(c) of the Act requires that any existing grant or other financial assistance agreement be amended to reflect the cost of providing payments or services to persons who were or will be displaced after January 2, 1971. All existing assisted projects or programs (regardless of the stage of completion) which are presumed to involve the acquisition of real property will be reviewed to ascertain whether any persons were or will be displaced after January 2, 1971. If so, project budgets will be revised to incorporate the estimated costs of relocation payments and services.

(c) If Federal funds have already been obligated, the obligation will be increased (within the limits of available funds) to provide Federal participation in relocations costs on the terms specified in section 211(a) of the Act. Applicants or grantees will be requested to certify that additional applicant funds are or will be available to cover the non-Federal portion of relocation expenses. In the event that neither the Federal nor the non-Federal financial resources are adequate to meet the estimated costs of relocation payments and assistance, the project must be relocated.

NOTE: It is unlikely that a project where construction is underway on January 2, 1971, and is thus impossible to relocate would have caused displacement of persons after January 2, 1971.

§ 15.38 Advance DHEW payments.

Section 211(c) of the Act allows the Secretary to advance Federal funds to State agencies to cover the costs of relocation payments or assistance if he determines that advance payments are necessary for the expeditious completion of a program or project. Requests for application of this provision to individual projects will be evaluated by the Secretary in terms of the time considerations, methods being used by the displacing agency to finance the project or program, and whether the relocation assistance is being rendered direct or by contract.

§ 15.39 Records.

The displacing agency must keep careful and complete records of all relocation payments made and relocation assistance furnished on and after January 2, 1971, including a record of notifications made to persons and business concerns displaced and to be displaced. Detailed accounting instructions, the relocation reporting system, and related information will be issued later.

Subpart E—Uniform Real Property Acquisition Policy

§ 15.45 Acquisition policies.

The Secretary will establish an amount which he believes to be just compensation for the acquisition of pertinent real property. When negotiations are initiated, the owner of such real property will be provided with a written statement of, and summary of the basis for, the amount estimated as the just compensation. The summary statement of the basis for the determination of just compensation will include:

(a) Identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land as well as the fixtures considered to be a part of the real property.

(b) The amount of the estimated just compensation as determined by the acquiring agency and a statement of the basis therefor.

(c) If only a portion of the property is to be acquired, a separate statement of the estimated just compensation for the real property interest to be acquired and, where appropriate, damages and benefits to the remaining real property.

Dated: June 25, 1971.

ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare.

[FR Doc.71-9322 Filed 6-30-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-PC-4]

CONTROL ZONE

Supplemental Notice of Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on May 21, 1970 (35 F.R. 7814), it was stated in part that the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations by altering the Hilo, Hawaii, control zone.

No adverse comments were received in response to the notice. However, subsequent to the issuance of the notice, it was determined that revised instrument approach procedures at Hilo would require a control zone extension larger than that proposed in the notice. In Item 13 of the notice it was proposed to amend the Hilo, Hawaii, control zone to read as follows:

Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.) and within 1.5 miles each side of the Hilo VORTAC 090° radial, extending from the 5-mile-radius zone to 4 miles east of the VORTAC.

In this supplemental notice it is proposed to amend the Hilo, Hawaii, control zone to read as follows:

Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long 155°02'55" W.) and within 3½ miles each side of the Hilo VORTAC 090° radial, extending from the 5-mile-radius zone to 10 miles east of the VORTAC.

In consideration of the foregoing, notice is hereby given that all comments received on this supplemental notice within 30 days after its publication in the FEDERAL REGISTER will be considered before regulatory action is taken on the proposed alteration of the Hilo, Hawaii, control zone.

Communications should be submitted to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, HI 96813.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 F.R. 9565); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 24, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-9302 Filed 6-30-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-NW-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Pasco, Wash., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

Two new instrument approach procedures have been developed for Tri-Cities Airport, Pasco, Wash. A review of the airspace requirements revealed that the control zone and transition area must be altered to provide controlled airspace protection for aircraft executing the prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (36 F.R. 2055) the description of the Pasco, Wash., control zone is amended to read as follows:

PASCO, WASH.

That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°06'53" W.), within 3 miles each side of the Pasco VOR 036° radial, extending from the 5-mile-radius zone to 8 miles northeast of the VOR and within 3 miles each side of the Pasco VOR 131° radial, extending from the 5-mile-radius zone to 8 miles southeast of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the description of Pasco, Wash., transition area is amended to read as follows:

PASCO, WASH.

That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Pasco VOR 036° and 216° radials, extending from 18.5 miles northeast to 5 miles southwest of the VOR, within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial, extending from the VOR to 18.5 miles southeast of the VOR, within 2 miles each side of the Pasco VOR 249° radial, extending from the VOR to 12 miles west of the VOR and within 2 miles each side of the Pasco VOR 276° radial, extending from the VOR to 9 miles west of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 22, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-9303 Filed 6-30-71;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Dockets Nos. 23389, 23553; EDR-205, PSDR-32]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Advance Notice of Proposed Rule Making

JUNE 25, 1971.

By petition filed May 11, 1971, seven [1] of the 19 carriers currently performing foreign and overseas charter transportation for the Department of Defense have requested that Parts 288 and 399 be amended by increasing the recently adopted minimum MAC rates for overseas and foreign air transportation,[2] and that the increases be made effective as of the date of their petition. The petition requests that the MAC rates be adjusted to reflect higher rates of return [3] and higher depreciation allowances [4] which would be consistent with the Board's decision in the Domestic Passenger-Fare Investigation, Docket 21866, but it does not set forth the amount of such adjustments or their impart on the rates, or the amount or impact of other adjustments which might be considered were we now to change the minimum rates so as to reflect other aspects of the cited Fare Investigation which may be relevant, including the decision concerning treatment of leased aircraft.

As stated at page 3 of ER-669, first steps leading to a full-scale review of MAC minimum rates for fiscal year 1972 were initiated in December 1970, and this review is now proceeding apace, with detailed analyses being made and informal conferences with the carriers involved in MAC operations being held as a preliminary to issuance of a notice of proposed rule making.[5] In this posture, adjustments to the minimum rates for the remaining portion of fiscal year 1971 do not appear appropriate. The certainty of the rates on which the MAC contracts are based should be maintained within a fiscal year unless there are very compelling reasons to consider changes. Stability in these contract is desirable both because of the budgetary and fiscal restraints on the government and because of the benefits to the carriers provided by a reasonable degree of assurance that rates will not be subjected to frequent increases and decreases. For similar reasons, the Board will continue its policy of instituting MAC rate proceedings only by formal notice instituting a rule making proceeding to amend the Part 288 exemption. Cf. ER-669, Page 13.

While the petitioners have urged that the recent amendment to the Part 288 exemption looked toward an adjustment to reflect changes in depreciation rate policy resulting from the DPFI, it would not be proper to consider those changes stemming from the depreciation phase of that case [6] and not the changes, particularly the policy with respect to treatment of leased aircraft, stemming from other phases of the case.[7] We note, however, that a pro forma review of three items (depreciation, rate of return, and leased aircraft), all on a basis consistent with our proposals in EDR-201 of Logair and Quicktrans minimum rates for fiscal 1972, reveals that the indicated increases which would result from adjustments related to depreciation and rate of return policies would be countervailed to a large extent by downward adjustments related to substitution of rental expense for a constructed ownership approach, with the net result apparently being a relatively insignificant impact on the FY 1971 rates, especially in view of the short period of time remaining in this fiscal year. These matters, including questions concerning the proper rate of return on investment for MAC operations, and other issues as well, will be taken up as part of the comprehensive review of MAC foreign and overseas rates for fiscal year 1972.

In view of the foregoing, the Board has determined to dismiss the petition to revise the minimum rates for fiscal year 1971. However, in order to leave no doubt that the present rates will be subject to revision, effective from the beginning of fiscal year 1972, we have decided that it is in the public interest to institute a rule making proceeding for periods on and after July 1, 1971, in advance of issuance of a proposed rule itself. We make no determination, at this time, as to the merits of the arguments in the petition concerning the specific rate items there mentioned, nor any final determination that any approved revision of the current rates will in fact be made effective as early as the beginning of the fiscal year. These and other matters will be issues in the ratemaking proceeding. All interested persons are now on notice, however, that the present rates will be subject to revision effective on and after July 1, 1971.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-9334 Filed 6-30-71;8:51 am]

[1] Braniff Airways, Inc., Capitol International Airways, Inc., Northwest Airlines, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Universal Airlines, Inc., and World Airways, Inc. On June 4, 1971, Eastern Air Lines, Inc., filed an answer in support of the petition. The document was not timely filed, but we have decided to consider that answer. No other carrier has supported this petition. DOD filed an answer in opposition to the petition on May 21, 1971, in which it takes the position that a reopening of the expedited review which led to the current minimum rates is beyond the legal power of the Board. However, we do not have to reach that question in order to dispose of this petition.

[2] ER-669 and PS-43, adopted Mar. 3, 1971.

[3] The petition states that the 9 percent rate of return now allowed in MAC ratemaking should be increased by eliminating the historical differential between the rate of return used in MAC ratemaking and that used for commercial ratemaking purposes, or by maintaining the 1½ percentage points differential but measuring the MAC return against the 12 percent return determined in the DPFI.

[4] Depreciation costs based on a 14-year service life and 2 percent residual value for turbojet aircraft, rather than the 14 years and 15 percent used in ER-669.

[5] Conferences with several carrier including four of the seven petitioners, have already been conducted.

[6] The new § 399.42, PS-45, Apr. 9, 1971.

[7] Section 399.43, PS-44, Apr. 8, 1971, determined that the actual and reasonable rental expenses of leased aircraft should be used for rate purposes, rather than the costs of constructive ownership, which has been the approach used in MAC ratemaking. A new rate of return for domestic passenger-fare cases was also determined by the Board (Order 71-4-58, Apr. 9, 1971), but this does not have a direct application to the MAC operations (although it is obviously relevant thereto), and should not be summarily applied outside the scope of a comprehensive rate review proceeding (see EDR-201, May 19, 1971, proposing Logair and Quicktrans minimum rates for FY 1972).

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19269; FCC 71-665]

EQUAL EMPLOYMENT PROGRAM

Nondiscrimination for Women in Broadcasting

In the matter of amendment of Part VI of FCC Forms 301, 303, 309, 311, 314, 315, 340, and 342, and adding the equal employment program filing requirement to Commission rules 73.125, 73.301, 73.599, 73.680, and 73.793; Docket No. 19269, RM-1722.

1. Notice is given of proposed rule making in the above-captioned matter. The National Organization for Women (NOW), has requested that discrimination based on sex be included as part of the Equal Employment Opportunity Programs which are required to be filed as section VI of the above-captioned broadcast application forms. The NOW petition also includes a request that the language of section VI be added to the Commission's rules to facilitate its availability to the public. NOW filed a petition for amendment of section VI on December 4, 1970.[1] The Equal Employment Opportunity Commission has similarly sought increased Commission attention to the problem of discrimination based on sex. Groups and individuals listed in Appendix A [1a] have commented on the NOW petition.

2. In the Report and Order in Docket No. 18244, adopted on May 20, 1970, 23 FCC 2d 430, the Commission added section VI to the various broadcast application forms,[2] requiring each licensee with five or more employees to set forth a detailed affirmative action program to assure equal employment opportunity for Negroes, orientals, American Indians, and Spanish-surnamed Americans. Affirmative action programs on the basis of sex were not required in section VI. The Commission stated in its May 20, 1970, report and order that it believed it desirable "to focus our major efforts in requiring development of equal employment opportunity programs at this time on Negroes, American Indians, Spanish-surnamed Americans, and orientals, in light of our own limited resources and the national crisis which exists with regard to the problems of racial harmony." 23 FCC 2d at 431.[3]

3. NOW states that women have been subject to a pattern of discrimination throughout the broadcast industry, and that they are deserving of efforts by the Commission equal to the Commission's efforts on behalf of minority groups. NOW cites Equal Employment Opportunity Commission statistics showing that in 1969 16.1 percent of men employed in communications industries were officials and managers, but only 8 percent of women held such positions.[4] NOW asserts that women are employed in only 2 percent of the top management positions in television stations in the top five markets.[5] NOW argues that these and other instances demonstrate patterns of discrimination which have two serious adverse consequences: First, jobs are unfairly denied to countless working women; and second, the broadcast industry is hampered in its ability to portray women accurately. NOW asks that the Commission enlarge the scope of coverage of section VI of the broadcast forms to cover equal employment opportunity programs for women. NOW points out that this would conform the broadcast requirement to that of the common carrier rules [6] adopted by the Commission subsequent to the broadcast rules. It contends that such a change would be only a slight burden to the Commission, since the Commission's current rules will require development of the capability of analyzing a great many employment plans, and the addition of sex to those plans is not likely to change greatly the Commission's task in processing applications. NOW also argues that since sex discrimination was included in the 1964 Civil Rights Act and has been acknowledged as a problem by the Commission, it is a denial of equal protection to exclude sex discrimination from the scope of the affirmative equal employment programs. NOW also requests that the provisions of section VI be made a part of the Commission's rules, so that they will be more easily available to members of the public who might want to be aware of the obligations the Commission imposes on licensees and permittees.

4. NOW has requested that the Commission amend section VI to include sex without issuing a notice of proposed rule making. As discussed in paragraph 2, supra, the Commission has previously rejected the extension of the section VI requirement to include sex. Therefore, we believe that the proposals made by NOW should receive the scrutiny that the rule making process provides to develop information concerning the need for such an amendment and its effect upon broadcast licensees. A formal rule making proceeding, expeditiously conducted, can provide valuable guidance in this important area of the exercise of our regulatory authority. We are also inviting comments on the proposal that section VI's language be made a part of the broadcast rules.

5. In comments concerning the NOW petition, the National Council of Jewish Women (NCJW) suggested that the affirmative action programs requirement be extended to cover discrimination against all "subgroups." No showing was made, however, that there is any current problem in the industry involving opportunities for other "subgroups," and we are not convinced that expansion of the affirmative action program beyond that proposed above would serve the public interest. We note, however, that our rules prohibit all employment discrimination based on race, color, religion, national origin, or sex. See § 73.125 of the rules. Consequently, we are not proposing the adoption of the NCJW suggestion at this time.

6. Authority for the proposed rules and amendments is set forth in sections 4(i), 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, 307, 308, 309, and 310.

7. Interested persons are requested to file comments on or before August 9, 1971, and reply comments on or before August 19, 1971, concerning the proposed rules and amendments described herein under applicable procedures set forth in § 1.415 of the Commission's rules and regulations. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, briefs, and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered before final action is taken in this proceeding. In reaching a final decision in this proceeding, other relevant information, in addition to the specific comments invited by this notice, may be taken into account. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: June 24, 1971.

Released: June 28, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[7]

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

[FR Doc.71-9318 Filed 6-30-71;8:50 am]

[47 CFR Part 73]

[Dockets Nos. 19153, 19154; FCC 71-656]

RENEWAL OF BROADCAST LICENSES

Order Extending Time for Filing Comments

In the matters of formulation of rules and policies relating to the renewal of broadcast licenses, Docket No. 19153, RM-1737; and formulation of policies relating to the broadcast renewal applicant, stemming from the comparative hearing process, Docket No. 19154.

1. The Commission has before it the petition filed by five law firms on behalf

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[1] See Public Notice No. 60270, Report No. 746, Dec. 11, 1970. NOW filed a supplement on Jan. 26, 1971, and a further supplement on Jan. 28, 1971.

[1a] Appendix filed as part of original document.

[2] FCC Forms 301, 303, 309, 311, 314, 315, 340, and 342.

[3] The May 20 report and order also amended previously adopted general equal employment opportunity rules to make clear that licensees were prohibited from engaging in discrimination on the basis of sex as well as race, creed, color, or national origin. Secs. 73.125, 73.301, 73.599, 73.680, and 73.793 of the Commission rules.

[4] NOW petition, p. 10.

[5] NOW supplement, p. 1.

[6] Secs. 21.307 (b), (c); 23.49 (b), (c).

[7] Dissenting statement of Commissioner Bartley filed as part of original document; Commissioners Robert E. Lee, Johnson, and Houser absent.

of broadcast stations which they represent,[1] for extension of time to file comments in the above entitled proceedings until (i) 30 days after the U.S. Court of Appeals for the District of Columbia Circuit has issued its opinion in Citizens Communications Center, et al. v. Honorable Dean Burch, Chairman, Federal Communications Commission, et al. (Dockets 24, 211, 24, 471, and 24,491); or (ii) September 2, 1971, whichever date is later. The presently pertinent grounds for the petition are that these proceedings are a far-ranging inquiry with many facets, requiring careful consideration by all interested parties if the public interest is to be served; and that in time frame when comments are due, filings are also required in several other major rulemaking proceedings (e.g., Dockets Nos. 18110 and 18891 (cross-ownership); Docket No. 19142 (Children's TV Programing); possibly Docket No. 18179 (exclusivity)).

2. In view of the recent decision in Citizens Communications Center v. F.C.C. Case No. 24,471, C.A.D.C. decided June 11, 1971, and particularly footnote 35, S1. Op. pp. 25–26, we grant the 2-month extension of time in Docket 19154. The request in Docket No. 19153, however, stands on a different footing. In granting one 60-day extension of time, we have already afforded over 5 months for comment. We do not believe it appropriate to extend the time on the basis of the due dates of proceedings such as 18110 and 19142—both of which involved considerable extensions of time; the due date for reply comments extended to on or before September 15, 1971; and that in in Docket No. 19153 only until August 2, 1971—the beginning date of what the petition refers to as "historically" involving vacation time for a number of lawyers in the communications field.

3. *Accordingly, it is ordered*, This 16th day of June 1971, that the date for filing comments in Docket No. 19153 is extended until August 2, 1971, with the date for reply comments extended to on or before September 15, 1971, and that in Docket No. 19154, the date for comments is on or before September 2, 1971, and the reply comments date is on or before October 4, 1971.

Adopted: June 16, 1971.

Released: June 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-9319 Filed 6-30-71;8:50 am]

[1] The five law firms are: Cohn & Marks; Dow Lohnes and Albertson; Fletcher, Heald, Rowell, Kenehan and Hildreth; Fly, Shuebruk, Blume and Gaguine; and McKenna and Wilkinson.

[2] Commissioners Robert E. Lee and Houser absent; Commissioner Johnson concurring in the result.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JOHN MATTHEW BARTON

Notice of Granting of Relief

Notice is hereby given that John Matthew Barton, 8643 Greenbelt Road, Greenbelt, MD 20770, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 28, 1964, in the U.S. District Court, Baltimore, Md., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John M. Barton because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John M. Barton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John M. Barton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That John M. Barton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9335 Filed 6-30-71;8:52 am]

EMIDIO J. FABRETTI

Notice of Granting of Relief

Notice is hereby given that Emidio J. Fabretti, 12 Sterling Street, New Britain, CT, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about March 6, 1957, in the Hartford Superior Court, Hartford, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Emidio J. Fabretti because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Emidio J. Fabretti to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Emidio J. Fabretti's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Emidio J. Fabretti be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9336 Filed 6-30-71;8:52 am]

HARRY SAMUEL GARDNER, JR.

Notice of Granting of Relief

Notice is hereby given that Harry Samuel Gardner, Jr., 78 South Elm Street, Bradford, MA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on June 3, 1960, and June 28, 1962, both in the Delaware Superior Court in and for the county of Newcastle, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harry S. Gardner, Jr., because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Harry S. Gardner, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harry S. Gardner, Jr.'s, application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Harry S. Gardner, Jr. be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 17th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9337 Filed 6-30-71;8:52 am]

MARVIN RICHARD GIBBS

Notice of Granting of Relief

Notice is hereby given that Marvin Richard Gibbs, Route 1, Box 40, Juliaetta, ID, has applied for relief from disabilities imposed by Federal laws with respect to

the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about May 26, 1966, in the District Court of the 10th Judicial District, Idaho, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Marvin R. Gibbs because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Marvin R. Gibbs to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Marvin R. Gibbs' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Marvin R. Gibbs be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 23d day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9338 Filed 6-30-71;8:52 am]

HAROLD G. LEWIS

Notice of Granting of Relief

Notice is hereby given that Harold G. Lewis, 506 Center Street, Boscobel, WI 53805, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 17, 1970, in the Grant County Court, in Lancaster, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harold G. Lewis because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harold G. Lewis to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harold G. Lewis' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Harold G. Lewis be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9339 Filed 6-30-71;8:52 am]

CLARENCE EARL NANCE

Notice of Granting of Relief

Notice is hereby given that Clarence Earl Nance, 963 Fernhill, Detroit, MI 48203, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 17, 1951, in the Recorder's Court for the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Clarence Earl Nance because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Clarence Earl Nance to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Clarence Earl Nance's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Clarence Earl Nance be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9340 Filed 6-30-71;8:52 am]

LEWIS HALE PARDON

Notice of Granting of Relief

Notice is hereby given that Lewis Hale Pardon, 4600 Operations Squadron, Ent AFB, Colorado Springs, CO 80912, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 1, 1944, by a General Court-Martial convened at Army Air Base, March Field, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lewis Hale Pardon because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Lewis Hale Pardon to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Lewis Hale Pardon's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Lewis Hale Pardon be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9341 Filed 6-30-71;8:52 am]

LUTHER ANDREW QUINN

Notice of Granting of Relief

Notice is hereby given that Luther Andrew Quinn, Route 2, Ferrum, VA 24088, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on May 13, 1960, in the U.S. District Court, Roanoke, Va., and October 7, 1966, in the Franklin County Circuit Court, Rocky Mount, Va., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Luther A. Quinn because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Luther A. Quinn to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Luther A. Quinn's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Luther A. Quinn be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 14th day of June 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-9342 Filed 6-30-71;8:52 am]

ALLEN LEO STOKES

Notice of Granting of Relief

Notice is hereby given that Allen Leo Stokes, 211 South Mulberry, Sallisaw, OK 74955, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 20, 1948, in the District Court of San Jacinto County, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Allen Leo Stokes because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Allen Leo Stokes to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Allen Leo Stokes' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Allen Leo Stokes be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9343 Filed 6-30-71;8:52 am]

THOMAS WILLARD SWILLE

Notice of Granting of Relief

Notice is hereby given that Thomas Willard Swille, 1221 South Quincy Street, Green Bay, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms incurred by reason of his conviction on January 6, 1970, in the County Court for Door County, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas W. Swille, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Thomas W. Swille to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas W. Swille's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to the public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Thomas W. Swille be, and he hereby is, granted relief from any and all disabilities imposed by

Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 23rd day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9344 Filed 6-30-71;8:52 am]

VICTOR VERMILYEA

Notice of Granting of Relief

Notice is hereby given that Victor VerMilyea, 350 Catalina Place, Corpus Christi, TX 78411, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on October 3, 1958, in the U.S. District Court, for the Southern District of Texas, Corpus Christi Division, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Victor VerMilyea because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Victor VerMilyea to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Victor VerMilyea's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Victor VerMilyea be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 17th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-9345 Filed 6-30-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M 71-22]

MOUNTAINEER COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.), notice is hereby given that Mountaineer Coal Co. (petitioner) has filed a petition to modify the application of section 317(a) of the Act with respect to its Robinson Run No. 95 mine, located in Shinnston, Harrison County, W. Va.

Section 317(a) provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less that 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

Petitioner proposes to use an alternate method, specifically:

Verify surface location of well; open well at least 802 feet from surface; insert suitable cement-retaining plug; backfill hole by displacement method to surface; keeping a gas-sampling program in effect throughout replugging; instruct all personnel to proceed with caution when mining between No. 22 and No. 24 in No. 3 and No. 4 headings; when cutting bit contact made with casing, mining machine removed and face ventilation established with line brattice; coal surrounding casing removed by pick and shovel; casing removed by cold cutting, flush with roof and floor; mining resumed after examination by certified person; fire-boss date-board established in area; methane exams once per shift; as conveyor belt advanced in panel, entry will be isolated and air regulated to the return; area to be considered gob when no longer accessible once the longwall face retreats outby the area.

Petitioner contends that the proposed alternate method will provide equal or better protection to the miners as compared to the existing regulatory standard. It also asserts in effect that the application of the existing regulatory standard at the time involved will result in the diminution of the safety protection of the miners. Petitioner has requested a public hearing on its petition.

A copy of the petition is available for inspection at the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington VA 22203.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JUNE 23, 1971.

[FR Doc.71-9291 Filed 6-30-71;8:48 am]

DEPARTMENT OF COMMERCE

Maritime Administration

OFFICERS AND CREWS OF PASSENGER VESSELS

Determination of Operating-Differential Subsidy for Subsistence

The Merchant Marine Act of 1970 (Public Law 91-469), in amending the Merchant Marine Act of 1936, as amended (46 U.S.C. 1101-1294) provides an operating-differential subsidy for subsistence of officers and crews of passenger vessels under section 603 (46 U.S.C. 1173) of said 1936 Act.

Pursuant to section 204 (46 U.S.C. 1114) and section 603 (46 U.S.C. 1173) of said 1936 Act, notice is hereby given that the Maritime Subsidy Board and Assistant Secretary of Commerce for Maritime Affairs have formulated tentative procedures in connection with the determination of operating-differential subsidy for subsistence of officers and members of the crews of passenger vessels subsidized under Title VI of said 1936 Act.

While the subsidy program is exempt from the requirements of 5 U.S.C. 553, interested parties are invited to submit in writing for consideration by the Board and Assistant Secretary data or views on the tentative procedures, in triplicate, to the Secretary, Maritime Subsidy Board, Maritime Administration, Washington, D.C. 20235, by close of business on July 13, 1971. Copies of the proposed procedures may be obtained from the Secretary.

Dated: June 25, 1971.

By order of the Maritime Subsidy Board and Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-9346 Filed 6-30-71;8:53 am]

National Bureau of Standards

PROCESSING STANDARD FOR COBOL

Notice of Proposed Federal Information

Corrrection

In F.R. Doc. 71-9101 appearing at page 12178 in the issue of Saturday, June 26, 1971, a line reading "COBOL will be used for new applications" should be inserted following the first line of paragraph b. in the center column of page 12179.

FEDERAL POWER COMMISSION

[Docket No. CS71-900, etc.]

DAVID R. BROWN ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 21, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-900...	5-10-71	David R. Brown, 1715 Wilshire, Oklahoma City, OK 73116.
CS71-901...	5-11-71	Thomas S. Trammell, 540 Houston Natural Gas Bldg., Houston, Tex. 77002.
CS71-902...	5-11-71	John Franks et al., Post Office Box 7665, Shreveport, LA 71107.
CS71-903...	5-12-71	Walsh and Watts, Inc., 1111 7th St., Wichita Falls, TX 76301.
CS71-904...	5-12-71	Henry J. N. Taub, 614 Southwest Tower, Houston, Tex. 77002.
CS71-905...	5-12-71	John T. Dorrance, Jr., Campbell Pl., Camden, N.J. 08101.
CS71-906...	5-12-71	The Waverly Oil Works Co., 1627 Bryn Mawr Dr., Newark, OH 43055.
CS71-907...	5-12-71	E. A. Obering et al., 950 National Foundation Life Bldg., Oklahoma City, Okla. 73112.
CS71-908...	5-12-71	Warrior Oil Co., 950 National Foundation Life Bldg., Oklahoma City, Okla. 73112.
CS71-909...	5-13-71	Margaret Marston Morgan, Post Office Box 1187, Shreveport, LA 71102.
CS71-910...	5-13-71	Norton Oil Co., Inc., Post Office Box 1666, Shreveport, LA 71102.
CS71-911...	5-13-71	Michael F. Cusack, 3815 McCart St., Forth Worth, TX 76110.
CS71-912...	5-13-71	J. P. Cusack, 3815 McCart St., Forth Worth, TX 76110.
CS71-913...	5-13-71	Do.
CS71-914...	5-13-71	C & K Offshore Co., 3000 One Shell Plaza, Houston, TX 77002.
CS71-915...	5-13-71	Mason Bristol (successor to R. A. Bristol, deceased) 1020 Macon St., Suite 3, Fort Worth, TX 76102.
CS71-916...	5-13-71	Mrs. Lucille C. Mason Bristol (successor to R. A. Bristol, deceased), 1020 Macon St., Suite 3, Fort Worth, TX 76102.
CS71-917...	5-13-71	Back Estate, Box 54, McLean, TX 79057.
CS71-918...	5-14-71	Paul M. Toce, Post Office Box 52401, Lafayette, LA 70501.
CS71-919...	5-14-71	L. B. Horn et al., 942 Milam Bldg., San Antonio, Tex. 78205.
CS71-920...	5-14-71	Hanson 1970, Ltd., 1234 Americana Bldg., Houston, Tex. 77002.
CS71-921...	5-14-71	Rilan Corp., 1408 Southern National Bank Bldg., Houston, Tex. 77002.
CS71-922...	5-14-71	James L. Riddle, 1408 Southern National Bank Bldg., Houston, Tex. 77002.
CS71-923...	5-14-71	Tigner Walker, Post Office Box 6011, Shreveport, LA 71106.
CS71-924...	5-14-71	Mrs. Leah J. Crow, 837 Kirby Pl., Shreveport, LA 71104.
CS71-925...	5-14-71	Walter L. Parr, Post Office Box 46, Corpus Christi, TX 78403.
CS71-926...	5-14-71	F. A. Clark, 1 Boston Pl., Boston, MA 02108.
CS71-927...	5-14-71	F. A. Clark, Guardian of Katharine B. and Elizabeth A. Clark, 1 Boston Pl., Boston, MA 02108.
CS71-928...	5-14-71	Christopher T. Clark, c/o F. A. Clark, 1 Boston Pl., Boston, MA 02108.
CS71-929...	5-14-71	F. A. Clark, Jr., 1 Boston Pl., Boston, MA 02108.
CS71-930...	5-14-71	Robert L. Clark, 1 Boston Pl., Boston, MA 02108.
CS71-931...	5-14-71	Russell B. Clark, 1 Boston Pl., Boston, MA 02108.
CS71-932...	5-14-71	Mrs. Cornelia C. Cushing, c/o F. A. Clark, 1 Boston Pl., Boston, MA 02108.
CS71-933...	5-14-71	Vinson Oil Co., 1100 Hamilton Bldg., Wichita Falls, Tex. 76301.
CS71-934...	5-14-71	Robert E. Miller, 1100 Hamilton Bldg., Wichita Falls, Tex. 76301.
CS71-935...	5-14-71	G. L. Vinson, 1100 Hamilton Bldg., Wichita Falls, Tex. 76301.
CS71-936...	5-14-71	Robert B. Owen, 1107 600 Bldg., Corpus Christi, Tex. 78401.
CS71-937...	5-14-71	Ted J. Reagan, Box 439, Corpus Christi, TX 78403.
CS71-938...	5-14-71	Relco Exploration Co., Inc., c/o Sholars, Gumby, Allbritton & Hayden, Post Office Box 1661, Monroe, LA 71201.
CS71-939...	5-17-71	Bay Pipeline, Inc., D-102 Petroleum Center, San Antonio, Tex. 78209.
CS71-940...	5-17-71	Energy Corporation of America, Inc.,1120 Hibernia Bank Bldg., New Orleans, La. 70112.
CS71-941...	5-17-71	G. C. Clark, 736 Fair Petroleum Bldg., Tyler, Tex. 75701.
CS71-942...	5-17-71	W. Ridley Wheeler Estate, 1110 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS71-943...	5-17-71	Petroleum Production Engineers, Inc., 833 San Jacinto Bldg., Houston, Tex. 77002.
CS71-944...	5-17-71	Milton McGreevy, Room 100, 912 Baltimore Ave., Kansas City, MO 64105.
CS71-945...	5-17-71	Caulkins Oil Co. (Operator) et al., 315 Majestic Bldg., Denver, Colo. 80202.
CS71-946...	5-17-71	Alfred B. Nelson, Post Office Box 66100, Department EXOLD, Chicago, IL 60666.
CS71-947...	5-17-71	Gregory J. Gallagher, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-948...	5-17-71	Industrial Electronic Engineering Corp., 1501 North Mayfair Rd., Milwaukee, WI 53226.
CS71-949...	5-17-71	Morgan Brothers, 1108 City National Bank Bldg., Wichita Falls, Tex. 76301.
CS71-950...	5-17-71	Burk Royalty Co., 800 Oil & Gas Bldg., Wichita Falls, Tex. 76301.
CS71-951...	5-17-71	Marion Corp., 114 East 5th St., Tulsa, OK 74103.
CS71-952...	5-18-71	Bradco Properties, Inc., 1200 Southwest Tower, Houston, Tex. 77002.
CS71-953...	5-18-71	Bradco Oil & Gas Co. et al., 1200 Southwest Tower, Houston, Tex. 77002.
CS71-954...	5-18-71	Alston Oil Co., 900 Empire Life Bldg., Dallas, Tex. 75201.
CS71-955...	5-18-71	Del Cryer, Post Office Box 66100, Department EXOLD, Chicago, IL 60666.
CS71-956...	5-18-71	James H. Helland, Operator, 2111 Alamo National Bldg., San Antonio, Tex. 78205.
CS71-957...	5-19-71	D. P. Spencer, 1801 Pere Marquette Bldg., New Orleans, La. 70112.
CS71-958...	5-19-71	Mrs. Joe W. Brown, 1801 Pere Marquette Bldg., New Orleans, La. 70112.
CS71-959...	5-19-71	W. P. Thompson, 1801 Pere Marquette Bldg., New Orleans, La. 70112.
CS71-960...	5-19-71	Richard B. Nelson, Post Office Box 66100, Department EXOLD, Chicago, IL 60666.
CS71-961...	5-19-71	James C. Holmes, 815 Brown Bldg., Austin, Tex. 78701.
CS71-962...	5-19-71	Mrs. Ruth Anne Ashby Storey et al., Post Office Box 1315, Shreveport, LA 71102.
CS71-963...	4-28-71	National Gas Gathering Co., 1 Elizabethtown Plaza, Elizabeth, NJ 07207.
CS71-964...	5-24-71	Alvin C. Hope, 1032 Milam Bldg., San Antonio, Tex. 78205.
CS71-965...	5-24-71	Harold L. Woods, Jr., 1917 Stubbs Ave., Monroe, LA 71201.
CS71-966...	5-24-71	Clayton E. Lee, 707 Kermac Bldg., Oklahoma City, Okla. 73102.
CS71-967...	5-24-71	H. M. Klaenhammer, 1335 South Wolcott St., Casper, WY 82601.
CS71-968...	5-24-71	Carl W. Klaenhammer, 1335 South Wolcott St., Casper, WY 82601.
CS71-969...	5-24-71	Horace F. McKay, Jr., 800 Loma Linda Pl., SE., Albuquerque, NM 87108.

Docket No.	Date filed	Name of applicant
CS71-970...	5-24-71	Dorsey Buttram, 6421 Avondale, Oklahoma City, OK 73100.
CS71-971...	5-24-71	Rock Hill Industries, Inc., 2700 Republic National Bank Bldg., Dallas, Tex. 75201.
CS71-972...	5-24-71	Robinson Bros. Oil Producers, Post Office Box 430, Borger, TX 79007.
CS71-973...	5-20-71	B & H Petroleum Production, Inc., 116 Tenaha St., Center, TX 75935.
CS71-974...	5-20-71	Sundance Oil Co., 1776 Lincoln St., Suite 510, Denver, CO 80203.
CS71-975...	5-20-71	William Shallow, Box 462, Woodstock, VT 05091.
CS71-976...	5-20-71	A. H. Rowan, 1935 Post Oak Tower, 5051 Westheimer, Houston, TX 77027.
CS71-977...	5-20-71	Estate of W. C. McCord, deceased, 2700 Republic National Bank Bldg., Dallas, Tex. 75201.
CS71-978...	5-21-71	Mallard Drilling Corp., Post Office Box 1527, Shreveport, LA 71102.
CS71-979...	5-21-71	Joanna Glassell Wood, First National Bank in Dallas, c/o Trust-Oil Department, Post Office Box 6031, Dallas, TX 75222.
CS71-980...	5-21-71	Addison O. Wood, First National Bank in Dallas, c/o Trust-Oil Department, Post Office Box 6031, Dallas, TX 75222.
CS71-981...	5-21-71	D. J. Harrison, 665 San Jacinto Bldg., Houston, Tex. 77002.
CS71-982...	5-21-71	Hanagan Petroleum Corp., (Operator) et al., Post Office Box 82, Midland, TX 79701.
CS71-983...	5-21-71	Central Oil Co., Post Office Box 2097, Laurel, MS 39440.
CS71-984...	5-21-71	William Thomas Meriwether, Post Office Box 1055, Alpine, TX 79830.
CS71-985...	5-21-71	Ralph H. Meriwether, Post Office Box 1654, Midland, TX 79701.
CS71-986...	5-21-71	Mary Louise Meriwether Trust, Post Office Box 1654, Midland, TX 79701.
CS71-987...	5-21-71	Westland Oil Development Corp., 6060 Hillcroft Ave., Houston, TX 77036.
CS71-988...	5-24-71	Damson Oil Corp. and Natol Petroleum Corp., 366 Madison Ave., New York, NY 10017.
CS71-989...	5-24-71	Damson 1970 Exploration Fund, 366 Madison Ave., New York, NY 10017.
CS71-990...	5-24-71	Damson Exploration Corp., 366 Madison Ave., New York, NY 10017.
CS71-991...	5-25-71	Allen K. Puckett, Star Route 1, Box 708, Rockport, Tex. 78382.
CS71-992...	5-24-71	Hamken One, Ltd., 3843 North Braeswood, Suite 202, Houston, TX 77025.
CS71-993...	5-24-71	Miltweed One, Ltd., 3843 North Braeswood, Suite 202, Houston, TX 77025.
CS71-994...	5-24-71	Sunnyfield Oil & Gas, Ltd., 3843 North Braeswood, Suite 202, Houston, TX 77025.
CS71-995...	5-24-71	Bruce L. Wilson, 1111 Judson Rd., Longview, TX 75601.
CS71-996...	5-25-71	MacDonald Development Co., (successor to R. D. MacDonald Jr.), 818 Capital National Bank Bldg., Houston, Tex. 77002.
CS71-997...	5-25-71	Jesse Climenko, 380 Madison Ave., New York, NY 10017.
CS71-998...	5-26-71	L. O. Ward, 1420 Lahoma Rd., Enid, OK 73701.
CS71-999...	5-26-71	Sarkeys, Inc., 300 Hightower Bldg., Oklahoma City, Okla. 73102.

[FR Doc.71-9102 Filed 6-30-71;8:45 am]

[Docket No. RP71-131]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Existing Curtailment Procedures

JUNE 22, 1971.

Take notice that on May 17, 1971, Algonquin Gas Transmission Co. (Algonquin), filed a written report, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating its "* * * present tariff currently on file with the Commission is sufficient to effectuate the objectives of the Commission's order herein."

Algonquin states that although it has not been able to obtain additional supplies of firm natural gas from its sole supplier, Texas Eastern Transmission Corp., or from any other source, it has not, up to the present time, suffered any curtailment of its existing firm contract quantities. In the event that Algonquin suffers curtailment of its existing contract quantities Algonquin states that its presently effective FPC Gas Tariff is sufficient to effectuate the objectives of the Commission's Order No. 431. Specifically, Algonquin relies on section 11.3 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1 which provides as follows:

11.3 *Proration of impaired deliveries.* If due to any cause whatsoever, not limited to Force Majeure, the deliveries from Seller's transmission system are impaired so that Seller is unable to deliver to Buyer the daily or annual quantities of gas which Seller is then obligated to deliver to Buyer, then to the extent possible Buyer shall be entitled to such proportion of the total impaired deliveries from such line as the daily quantity of gas which Seller is then obligated to deliver to Buyer bears to the total of Seller's daily delivery obligations in the area affected by such impairment.

In its report Algonquin states that it does not make any direct industrial sales either on a firm or interruptible basis. Algonquin states further that interruptible service which it renders under its Rate Schedule I-1 need only be rendered, pursuant to the provisions of that rate schedule, when available natural gas is not needed by any of its firm customers.

Although Algonquin's existing curtailment policy is on file with the Commission and it is not known at this time whether such curtailment policy will of necessity be implemented in the foreseeable future, any person desiring to be heard or to make any protest with respect to Algonquin's existing tariff provisions governing curtailments of service should on or before July 9, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules of practice and procedure. Algonquin's report, submitted pursuant to Order No. 431, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9280 Filed 6-30-71;8:46 am]

[Docket No. CI71-878]

HARVEY BROYLES

Notice of Application

JUNE 24, 1971.

Take notice that on June 15, 1971, Harvey Broyles (applicant), Post Office Box 1511, Shreveport, LA, filed in Docket No. CI71-878 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Co. from the Bear Creek Field, Bienville Parish, La., for 1 year from the date of initial delivery at the rate of 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 (18 CFR 2.70) of the Commission's general policy and interpretations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9288 Filed 6-30-71;8:47 am]

[Docket No. CI71-889]

HARVEY BROYLES

Notice of Application

JUNE 25, 1971.

Take notice that on June 18, 1971, Harvey Broyles (applicant), Post Office Box 1511, Shreveport, LA 71102, filed in Docket No. CI71-889 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from the Bryceland Field, Bienville Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the subject sale on June 12, 1971, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that he proposes to continue said sale within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) for 1 year from June 12, 1971, or from the date of certificate authorization. Applicant proposes to continue the subject sale at the total rate of 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9274 Filed 6-30-71;8:46 am]

[Docket No. RI71-1147]

CITIES SERVICE OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 24, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI71-1147..	Cities Service Oil Co.....	335	2	El Paso Natural Gas Co. (Toro (Ellenberger) Field, Reeves County, Tex.) (Permian Basin).	$4,239	3-29-71	.....	5-30-71	[1] 22.0	[1] 26.5	

*Unless otherwise stated the pressure base is 14.65 p.s.i.a.

[1] Initial rate prescribed by temporary certificate issued Mar. 12, 1971, in Docket No. CI71-435.

The proposed increased rates of Cities Service Oil Co. for a sale in an area outside southern Louisiana does not exceed the corresponding rate limitation for increased rates in southern Louisiana and is therefore suspended for a period ending 61 days from the date of filing.

Cities Service Oil Co.'s proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-9289 Filed 6-30-71;8:47 am]

[Docket No. RP71-135]

COLORADO INTERSTATE GAS CO.

Notice of Existing Curtailment Procedures

JUNE 22, 1971.

Take notice that on May 17, 1971, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), filed a written report pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating that "No special curtailment program for firm service is presently necessary as existing tariff provisions * * * and other positive steps in CIG's overall marketing plan are expected to obviate such a program for the foreseeable future."

Though CIG does not anticipate making curtailments below contract demand, it provides in section 12, Priority

of Service, of its FPC gas tariff presently on file with the Commission an ascending order of interruption to protect firm service. Section 12.2, Curtailment Procedure, provides that if CIG is unable to supply its total firm and interruptible obligations, it shall curtail or interrupt deliveries of gas to its customers in the following order:

(1) Interruptible deliveries, direct and resale;

(2) Firm industrial deliveries, direct and resale; and

(3) Domestic and commercial deliveries, direct and resale.

In category (2) above, interruptions will be implemented on a pro rata basis in as fair and equitable manner as possible.

Although CIG's existing curtailment policy is on file with the Commission and is not expected to be implemented within the foreseeable future, any person desiring to be heard or to make any protest with respect to CIG's existing tariff provisions governing curtailments of service should on or before July 16, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. CIG's report, submitted pursuant to Order No. 431, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9278 Filed 6-30-71;8:46 am]

[Docket No. CP71-289]

COLUMBIA LNG CORP. AND CONSOLIDATED SYSTEM LNG CORP.

Notice of Amendment to Application

JUNE 25, 1971.

Take notice that on June 22, 1971, Columbia LNG Corp. (Columbia LNG), 20 Montchanin Road, Wilmington, DE 19807, and Consolidated System LNG Co. (Consolidated LNG), 445 West Main Street, Clarksburg, VA 26301, filed in Docket No. CP71-289 an amendment to their joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of liquefied natural gas facilities which application is presently pending before the Commission, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Specifically, Columbia is amending its proposed FPC Gas Tariff filed as Exhibit P to the joint application, by providing that Columbia shall recover from buyer under Rate Schedule ACQ, its total monthly cost of service regardless of nondelivery of gas for any reason including force majeure. Columbia states that it must receive minimum payments equal to its cost of service to remain viable during interruptions of LNG supply and to recover its investment in this undertaking.

Applicants state that the amendment has no effect with respect to Consolidated.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9273 Filed 6-30-71;8:46 am]

[Docket No. CP71-294]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 23, 1971.

Take notice that on June 14, 1971, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, FL 32789, filed in Docket No. CP71-294, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of three 500 horsepower skid mounted field compressor units at a point on its Encinal Channel Lateral in the East Corpus Christi Bay Field, San Patricio County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it purchases from Gulf Oil Co. (Gulf), natural gas produced in the East Corpus Christi Bay Field under a contract on file with the Commission as Gulf's FPC Gas Rate Schedule No. 157. This rate schedule contains a provision relieving Gulf of the obligation to deliver gas to Applicant at pressures in excess of 500 p.s.i.g. during the last 10 years of the term of this contract. Applicant states that the anniversary of this obligation is past and Gulf has invoked its right to reduce the delivery pressure of the gas purchased under this contract. To maintain this source of supply, applicant proposes to install the three skid mounted compressor units to enable it to receive the gas at a pressure less than 500 p.s.i.g. The estimated cost of these units is $360,000, which cost applicant states will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9277 Filed 6-30-71;8:46 am]

[Project No. 2606]

GREEN MOUNTAIN POWER CORP.

Notice of Application for Withdrawal of Application for License for Constructed Project

JUNE 24, 1971.

Public notice is hereby given that application for withdrawal of application for license has been filed under the rules of practice and procedure of the Federal Power Commission by Green Mountain Power Corp. (correspondence to: Elliot G. Whitney, V.P., Green Mountain Power Corp., Montpelier, Vt.) for constructed Project No. 2606, known as the Montpelier Project located on the Winooski River, in Montpelier, Vt.

According to the application the existing penstock needs repair, the generating equipment was damaged by collapse of the plant roof following a heavy snow and it would not be economically feasible to make the repairs that would be required to restore the plant to operation. Applicant proposes to remove the generating facilities, seal water passages, and maintain the dam.

Any person desiring to be heard or make any protest with reference to said application should on or before August 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9281 Filed 6-30-71;8:47 am]

[Docket No. CI71-879]

JOSEPH F. FRITZ OPERATING CO.

Notice of Application

JUNE 24, 1971.

Take notice that on June 7, 1971, Joseph F. Fritz Operating Co. (applicant), Post Office Box 206, Clinton, MS 39056, filed in Docket No. CI71-879 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Pistol Ridge Field, Forrest County, Miss., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the subject sale on May 12, 1971, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) for 1 year from the date of initial delivery. Applicant commenced and proposes to continue the subject sale at the total rate of 27.5 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9286 Filed 6-30-71;8:47 am]

[Docket No. CP71-293]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JUNE 23, 1971.

Take notice that on June 11, 1971, Michigan Wisconsin Pipe Line Co. (applicant), One Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP71-293 an application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing July 13, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $7 million, with no single offshore project costing in excess to $1,750,000, and no single onshore project costing in excess of $1 million. Applicant states that these costs will be financed from funds generated by normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9283 Filed 6-30-71;8:47 am]

[Docket No. CP71-302]

NATIONAL CHEMICAL CORP.

Notice of Application

JUNE 25, 1971.

Take notice that on June 23, 1971, National Chemical Corp. (applicant), 406

Kenyon Building, Louisville, KY 40202, filed in Docket No. CP71–302 an application pursuant to the Commission's Order No. 431, issued in Docket No. R–418 on April 15, 1971, for a limited term, certificate of public convenience and necessity authorizing the operation of certain existing facilities and the sale of natural gas on a best efforts basis, to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), at the rate of 33 cents per Mcf at 15.025 p.s.i.a., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that to help alleviate an emergency supply situation existing on Tennessee's system, it began the delivery of natural gas, on February 10, 1971, to Midwestern Gas Transmission Co. (Midwestern), for the account of Tennessee, pursuant to § 2.68 of the Commission's general policy and interpretations (18 CFR 2.68). Thereafter, by letter order dated April 29, 1971, the Commission granted a 60-day extension of such emergency authorization. Applicant requests authorization to continue this sale and delivery, at the interconnection between its facilities and those of Midwestern approximately 8 miles east of Owensboro, Ky., for the period ending November 1, 1971, and states that this would be in furtherance of the policy set forth in § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70), as promulgated by the Commission's Order No. 431.

Applicant explains that this application is interdependent with the pending application submitted by Tennessee in Docket No. CP71–275, and requests that these applications be considered jointly.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–9275 Filed 6–30–71;8:46 am]

[Docket No. CP71–297]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 24, 1971.

Take notice that on June 14, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71–297 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of certain facilities employed for the receipt of natural gas from Lone Star Gas Co. (Lone Star) in Stephens County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the gas purchased from Lone Star was received pursuant to a 1961 Service Agreement, as amended, and that because Lone Star has failed to deliver the annual contract volume, a dispute has arisen with regard to their respective rights and obligations. Negotiations between the parties have resulted in an amended service agreement which provides that the original agreement, as amended, will be canceled as of December 31, 1971, or upon the delivery of 20 million Mcf of natural gas to applicant. Accordingly, applicant seeks permission and approval to abandon the facilities employed to receive the natural gas from Lone Star as of December 31, 1971, or upon receipt of the 20 million Mcf after January 1, 1971, whichever is earlier. Applicant states that this request for abandonment is conditioned upon the receipt of the Commission authorization requested by Lone Star, Lone Star Producing Co., and Lone Star Gathering Co. in Docket No. CP71–274, et al.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–9287 Filed 6–30–71;8:47 am]

[Docket No. CP68–75]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

JUNE 24, 1971.

Take notice that on June 14, 1971, Northern Natural Gas Co. (petitioner), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP68–75 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the operation of existing facilities, at two additional points, for the exchange of natural gas with Phillips Petroleum Co. (Phillips), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order of the Commission issued on May 20, 1968 (39 FPC 821), petitioner was authorized, inter alia, to construct and operate facilities for the exchange of natural gas with Phillips. Petitioner states that it has entered into an amended agreement with Phillips whereby this exchange of natural gas will be expanded to include two additional delivery points. In accordance with this agreement, Phillips will deliver to petitioner up to 2,000 Mcf of natural gas per day at a point of connection between the respective systems located in Ellis County, Okla., and up to 10,000 Mcf per day at a point of connection at the Kerr-McGee Gasoline Plant located in Gray County, Tex. The redelivery of gas exchange volumes will be made by petitioner to Phillips at an existing delivery point located in Carson County, Tex.

Any person desiring to be heard or to make any protest with reference to said

petition to amend should on or before July 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9284 Filed 6-30-71;8:47 am]

[Docket No. CP71-308]

PENNZOIL PIPELINE CO.

Notice of Application

JUNE 25, 1971.

Take notice that on June 22, 1971, Pennzoil Pipeline Co. (applicant), 1500 Southwest Tower, Houston, TX 77002, filed in Docket No. CP71-308 an application pursuant to the Commission's Order No. 431, issued in Docket No. R-418 on April 15, 1971, for a limited term certificate of public convenience and necessity authorizing the operation of existing facilities and the sale of natural gas to United Gas Pipe Line Co. (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that to help alleviate an emergency supply situation existing on United's system, it began the delivery of natural gas to United on January 1, 1971, pursuant to § 2.68 of the Commission's general policy and interpretations (18 CFR 2.68). Thereafter, by letter order dated April 22, 1971, the Commission granted an extension until June 29, 1971, of such emergency authorization. Applicant requests authorization to continue this sale and delivery of up to 30,000 Mcf of natural gas per day at the rate of 31.75 cents per Mcf, for the limited term from June 30, 1971, to June 30, 1972, at the interconnection between its facilities and those of United at a point on applicant's Refugio-Pettus 18-inch pipeline at Milepost 36.8. Applicant states that this extension would be in furtherance of the policy set forth in § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70), as promulgated by the Commission's Order No. 431.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules or practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9276 Filed 6-30-71;8:46 am]

[Docket No. CI71-880]

SOUTHERN GAS CO.

Notice of Application

JUNE 24, 1971.

Take notice that on June 14, 1971, Southern Gas Co. (applicant), Post Office Box 392, Longview, TX 75601, filed in Docket No. CI71-880 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. in Gregg County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the subject sale 60 days prior to June 21, 1971, within the contemplation of § 2.68 of the Commission's general policy and interpretations (18 CFR 2.68) and that it proposes to continue said sale within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) for 1 year from June 21, 1971, or from the date of certificate authorization. Applicant proposes to continue the subject sale at the total rate of 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene it timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.17-9285 Filed 6-30-17;8:47 am]

[Dockets Nos. CP71-295, CP71-296]

SOUTHERN NATURAL GAS CO.

Notice of Applications

JUNE 23, 1971.

Take notice that on June 14, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-295 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission permitting and approving the abandonment of certain sales of natural gas in interstate commerce and the facilities employed therefor, and in Docket No. CP71-296 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that it has acquired all natural gas reserves, working interests, and production facilities located in the Muldon Field, Monroe County, Miss., and intends to convert this field

into a natural gas storage facility. The sales from the interests which Southern has acquired are made to Texas Eastern Transmission Corp. (Texas Eastern) in continually diminishing quantities which now approximate 4,500 Mcf per day. Applicant states that the remaining recoverable reserves in this field would be most economically employed as cushion gas and therefore seeks permission and approval to abandon the sales to Texas Eastern and the facilities employed for these sales.

In order to compensate Texas Eastern for the volumes which will no longer be available, and in consideration for the relinquishment of its rights in this gas, applicant proposes to employ existing facilities near Kosciusko, Miss., for the sale of additional volumes of natural gas to Texas Eastern. Applicant states that the volumes of gas to be sold under the authorization sought herein will be diminished year by year and the volume to be sold in 1972 will not exceed 1,530,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9282 Filed 6-30-71;8:47 am]

[Docket No. E-7635]

UPPER PENINSULA POWER CO.

Notice of Proposed Rate Schedule Changes

JUNE 23, 1971.

Take notice that on June 4, 1971, Upper Peninsula Power Co. (Company) tendered for filing proposed changes in its established Rate WR-1—"Wholesale Service to Electric Utilities." Company states that the proposed rate changes would increase its total revenues for the 12-month period ending June 1971 by $39,066, and that its proposal would produce a 4.15 percent rate of return on the subject sales.

Company states that its proposal is intended to place Alger-Delta Cooperative Electric Association and Ontonagon County Rural Electrification Association, both of Michigan, on the same rate as its other wholesale for resale customers, which rate was filed with this Commission on May 12, 1971.

Copies of the filing were served on customers and interested State regulatory agencies.

Any person to be heard or to make any protest with reference to said application should on or before July 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9279 Filed 6-30-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968) is hereby amended with regard to section 3-B, Organization, as follows:

Delete the paragraph headed "Regional Organization (3A81)" and insert in place thereof the following new paragraph:

Regional organization (3A81). In each region plans, evaluates, and conducts a comprehensive program for facilitating and improving the ability of States, communities, and voluntary groups to organize and deliver physical and mental health services. Specifically: (1) Identifies health needs throughout the region, recommends HSMHA regional program priorities, and develops and carries out operational plans for regional health services activities; (2) provides technical consultation, assistance in staffing and other resource development, and financial support for (a) the planning of comprehensive health services and health facilities, (b) the development, improvement, and operation of comprehensive primary health care centers and systems, (c) the improvement of community organization for the provision of health services, (d) the filling of gaps in existing health services, (e) the functional effectiveness and appropriateness of design of health care facilities, (f) family planning services, (g) maternal and child health services, (h) emergency health activities, and (i) the development and operation of programs to prevent or control infectious and chronic diseases; and (3) reviews, approves, and funds grants for comprehensive health planning, for the support of general and mental health services, and for the construction of health facilities.

ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare.

MAY 31, 1971.

[FR Doc.71-9321 Filed 6-30-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SS-R-17]

RAILROAD ACCIDENT NEAR SALEM, ILL.

Notice of Accident Investigation Hearing

In the matter of the investigation of the railroad accident involving the derailment of Illinois Central Railroad Co. passenger train No. 1 in the vicinity of Salem, Ill., on June 10, 1971, with subsequent fatalities and numerous personal injuries; Docket No. SS-R-17.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., c.d.t., on Tuesday, July 13, 1971, in Stouffer's Riverfront Inn at 200 South Fourth Street, St. Louis, Mo.

Dated this 22d day of June 1971.

L. M. THAYER,
Chairman, Board of Inquiry.

[FR Doc.71-9325 Filed 6-30-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-280]

VIRGINIA ELECTRIC AND POWER CO.

Order Extending Completion Date

Virginia Electric and Power Co., has filed a request dated May 18, 1971, for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-43, for construction of a 2,441 megawatts (thermal) pressurized water nuclear reactor, designated as the Surry Power Station Unit No. 1, at the applicant's site in Surry County, Va.

Good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date is extended from July 1, 1971, to July 1, 1972.

Date of issuance: June 24, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-9266 Filed 6-30-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23409; Order 71-6-139]

AIR WEST

Order Providing for Further Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of June 1971.

On May 17, 1971, Hughes Air Corp., doing business as Air West (Air West) filed an application, pursuant to Subpart M of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity for Route 76 so as to permit, without subsidy eligibility, nonstop operations between San Jose and Phoenix. No requests for dismissal have been filed.

Upon consideration of the foregoing, we do not find that Air West's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provisions of Subpart M, §§ 302.1306-302.1310, with respect to the above application.

Accordingly, it is ordered, That:

1. The application of Hughes Air Corp., doing business as Air West be and it hereby is set for further proceedings pursuant to Rules 1306-1310 of the Board's procedural regulations; and

2. This order shall be served upon Delta Air Lines, Inc., Frontier Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., American Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., National Airlines, Inc., San Francisco & Oakland Helicopter Airlines, Inc., Western Air Lines, Inc., the mayors of San Jose, Calif., and Phoenix, Ariz., and the Governors of the States of California and Arizona.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-9333 Filed 6-30-71;8:51 am]

[Docket No. 23354; Order 71-6-124]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES

Order Regarding Discussion of Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1971.

Aloha Airlines, Inc., has petitioned the Board "to immediately set discussions on schedules and to advise Hawaiian (Airlines) that its proposed schedules violate the Federal Aviation Act."

In support of its request Aloha alleges that Hawaiian's now published summer schedules represent an unfair method of competition in that they are unrelated to traffic needs and are designed to put Aloha out of business.

Responding to Aloha's petition Hawaiian denies Aloha's claim but indicates that it is prepared to discuss its schedules with the Board. It states that were it to reduce its proposed schedules "it would run the risk of load factors so high on many flights and on many segments as to disaccommodate a very substantial segment of traffic during the summer months which constitute the height of interisland traffic within Hawaii."

Aloha's request essentially is in the nature of an application to the Board for issuance of an order directing Hawaiian to cease and desist from violating section 411 of the Act. This same relief is being sought by Aloha in Docket 21604, which is an enforcement proceeding initiated by Aloha. We deem it the better course of action to let the proceedings in that Docket, and in the related cross complaint of Hawaiian (Docket 21695), be determined through the formal investigation into the scheduling practices of both carriers which will be part of those proceedings, as stated in Order 71-5-40, May 10, 1971.

We previously have found[1] that discussions and voluntary adjustments resulting therefrom between these two carriers were in the public interest because of the unique circumstances affecting them. Although that determination predated the merger proceeding involving these carriers which was the subject of Docket 22435, the demise of the merger agreement has returned the parties to the status quo ante with the exception that Aloha's financial situation may be more precarious than before. Moreover, at this point we are not prepared to state that the summer schedules proposed by Hawaiian are not what they are alleged to be by Aloha. Thus, there may be merit in discussions between the two carriers to enable them to come to a mutual level of understanding pertaining to their respective summer schedules.

Although Hawaiian has not specifically joined in Aloha's request to that end, by the same token it has not indicated an unwillingness to so meet. Accordingly, we shall authorize Aloha, and Hawaiian to meet and engage in discussions[2] for the purpose of working out a summer schedule pattern which will provide the necessary element of competitive service without amounting to the provision of unnecessary service by either carrier. It goes without saying that the prime responsibility rests with each carrier unilaterally to so act; but as we have recited many times before it seems unlikely that other than joint activity can provide an accommodation between the proper level of service which would benefit the public, and the provision of excessive service.

Accordingly, it is ordered, That:

1. Aloha and Hawaiian be and they hereby are authorized to engage in discussions for the purpose of reaching an agreement on the level of service which they shall operate during the forthcoming summer season;

2. The request of the State of Hawaii to participate in such discussions be and it hereby is granted;

3. The discussions shall be open to observation by any interested person;

4. This order shall not be construed as authorizing discussions of rates, fares, charges or inflight or other services in connection with air transportation;

5. The carriers shall notify the Board, the State of Hawaii and any other person having expressed an interest, of the time and place of such discussions no later than 7 days prior to the date on which they are to be held;

6. The carriers shall file with the Board a report on each discussion meeting held including, inter alia, the date, place, attendants, and a summary of all discussions. Such reports shall be filed in triplicate with the Board within 3 business days of the close of each discussion meeting and shall be served upon the State of Hawaii, any other person attending the discussion as an observer,

[1] Orders 70-7-120, July 24, 1970, and 70-12-46, Dec. 8, 1970.

[2] We shall also grant the State of Hawaii's request to participate therein. We shall defer action on that portion of Aloha's petition which requests a declaration that Hawaiian's schedules violate section 411 of the Act.

and any other interested person having so requested;

7. Any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under section 412 of the Act within 5 days of consummation thereof: *Provided*, That such agreements shall not be implemented without having previously been approved by the Board: *And provided further*, That a copy of such agreement shall be served on the persons listed in paragraph 6 above;

8. Such agreements shall be accompanied by an explanatory statement and a statement of justification; comments thereon may be filed by any person within 10 days after the date such agreement is filed with the Board; and

9. The relief granted herein shall expire within 90 days after the effective date of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-9332 Filed 6-30-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 550]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 28, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

6662-C2-ML-71—Airsignal International, Inc. (KIF653), Modification of license to change the base frequency to 35.22 MHz. Station location: 42 North Third Street, Memphis, TN.

7221-C2-P-71—Radio Paging Service (KKE970), C.P. for additional facilities to operate on 152.12 MHz at a new site described as location No. 2: Intersection of 85th Street and L Avenue, Lubbock, TX.

7222-C2-P-71—Newark Radiotelephone Co. (New), C.P. for a new two-way station to be located at Watson Road, Route 1, Newark, OH, to operate on frequency 152.06 MHz.

7223-C2-P-71—Airsignal International, Inc. (KAF245), C.P. for additional facilities to operate on 43.58 MHz at a new site described as location No. 2: 5800 Foxridge Drive, Mission, KS.

7224-C2-P-71—Moore's Service (KJJ628), C.P. for additional facilities to operate on 152.09 MHz at a new site described as location No. 2: 104 West Berry Street, Fort Wayne, IN.

7227-C2-P-71—Airsignal International, Inc. (KIE953), C.P. for additional facilities to operate on 35.58 MHz at a new site described as location No. 2: 3390 Peachtree Road NE.

7228-C2-P-71—General Telephone Co. of the Southwest (KQZ725), C.P. for additional facilities to operate on 454.425 MHz at station located at 3500 North Beltline Road, Irving, TX.

7229-C2-P-71—Radio Dispatch Service (KIJ352), C.P. for additional facilities to operate on 152.18 MHz at location No. 1: 2140 Warwick Road, Birmingham, AL.

7230-C2-P-71—Wisconsin Telephone Co. (KSC882), C.P. to change the antenna system operating on 152.78 MHz at location No. 2: 222 West College Avenue, Appiton, WI.

7425-C2-P-71—Rock Port Telephone Co., Inc. (New), C.P. for a new two-way station to be located to the south of junction U.S. No. 275 and No. 136, Rock Port, Mo., to operate on frequency 152.57 MHz.

7426-C2-P-71—Cimarron Telephone Co. (New), C.P. for a new two-way station to be located north of Highway No. 64, approximately 1.2 miles east of Westport, Okla., to operate on frequency 152.54 MHz.

7427-C2-P-71—Servicew Unlimited, Inc. (KIY792), C.P. to relocate facilities operating on 43.22 MHz to the Carolina Hotel Building, 407 West Fourth Street, Winston-Salem, N.C.

7451-C2-AL-71—Connecticut Radio Foundation, Inc. Consent to assignment of license from Connecticut Radio Foundation, Inc., Assignor, to: Henry M. Zachs, doing business as Massachusetts-Connecticut Mobile Telephone Co., Assignee. Station: KCC479, Hamden, Conn.

Correction

5811-C2-P-68—Blue Circle Radio Pocket Paging Corp. (New), Correct to read: Major amendment to 5810-C2-P-68 Beep Communications System, Inc. (New). For additional facilities to operate on 152.24 MHz at location No. 2: 277 Park Avenue, New York, NY. See PN Report No. 402-1, dated Aug. 28, 1968.

6180-C2-P-68—American Radio-Telephone Service, Inc. (New), Correct to read: Major amendment to 6179-C2-P-68 (same applicant), for an additional location: 5202 River Road, Bethesda, MD, to operate on 152.24 MHz and 158.70 MHz. See PN Report No. 417, dated Dec. 2, 1968.

3036-C2-P-69—Phone Depots, Inc., doing business as Mobilfone Radio System (New), Correct to read: Major amendment to 2375-C2-P-69 (applicant same), for additional facilities to operate on 152.24 MHz at location No. 2: 110-11 Queens Boulevard, NY; location No. 3: 5800 Arlington Avenue, New York, NY and location No. 4: 20 Exchange Place, New York, NY. See Report No. 411, dated Oct. 28, 1968.

3075-C2-P-69—Page Boy Inc. (New), Correct to read: Major amendment to 3062-C2-P-69 (applicant same), for additional facilities to operate on 158.70 MHz at five (5) locations in New York, N.Y. See Report No. 416, dated Dec. 2, 1968.

3355-C2-P-69—Harry L. Brock and Francis I. Lambert, doing business as Advanced Communications Co. (New), Correct to read: Major amendment to 3057-C2-P-69 (applicant same), for additional facilities to operate on 158.70 MHz at two (2) locations in the District of Columbia and Virginia. See Report No. 417, dated Dec. 9, 1968.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency: 152.24 MHz (3) Applications

Maryland

American Radio-Telephone Service, Inc. (New), 6179-C2-P-68.
American Radio-Telephone Service, Inc. (New), 254-C2-P-69.

FREQUENCY 152.24 MHz (3) APPLICATIONS

District of Columbia

American Radio-Telephone Service, Inc. (New), 6179-C2-P-68.
Harry L. Brock and Francis I. Lambert, doing business as Advance Communications Co. (New), 3057-C2-P-69.

Virginia

Harry L. Brock and Francis I. Lambert, doing business as Advance Communications Co. (New), 3057-C2-P-69.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency: 158.70 MHz (4) Applications

Maryland

American Radio-Telephone Service (New), 6179-C2-P-68.
American Radio-Telephone Service (New), 254-C2-P-69.
Radio Communications Inc. (New), 3059-C2-P-69.

District of Columbia

American Radio-Telephone Service (New), 6179-C2-P-68.
Harry L. Brock and Francis I. Lambert, doing business as Advance Communications Co. (New), 3057-C2-P-69.

Virginia

Harry L. Brock and Francis I. Lambert, doing business as Advance Communications Co. (New), 3057-C2-P-69.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency: 152.24 MHz (13) Applications

New York

Beep Communications System, Inc. (New), 5810-C2-P-68.
Phone Depots, Inc., doing business as Mobilefone Radio System (New), 2375-C2-P-69.
Albert M. Steiner, trading as Long Island Telephone Co. (New), 2900-C2-P-69.
Westchester Mobilfone System, Inc. (New), 2984-C2-P-69.
Page Boy, Inc. (New), 3062-C2-P-69.
Relay Communications Corp. (New), 3065-C2-P-69.
Byrnes Message Bureau, Inc. (New), 3073-C2-P-69.
Beep Communications System, Inc. (New), 3074-C2-P-69.

New Jersey

Shaw-Rose Communications (New), 1549-C2-P-69.
New Jersey Exchanges, Inc. (New), 3041-C2-P-69.
Radio Dispatch Co. (New), 3072-C2-P-69.

Pennsylvania

Telephone Message Bureau, Inc., trading as Contact (New), 2194-C2-P-69.

Delaware

Airsignal International, Inc. (New), 2891-C2-P-69.
Radio Dispatch Co. (New), 3072-C2-P-69.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

FREQUENCY 158.70 MHz (9) APPLICATIONS

Connecticut

Murray Cohen (New), 2395-C2-P-69.

New York

Leo Vincent Carmody (New), 2114-C2-P-69.
Radio Relay Corp. (New), 3037-C2-P-69.
Page Boy, Inc. (New), 3062-C2-P-69.
MBN Services, Inc. (New), 3068-C2-P-69.

New Jersey

Telephone Secretarial Service (New), 1021-C2-P-69.
Radio Broadcasting Company (New), 3066-C2-P-69.

Pennsylvania

Telephone Message Bureau, Inc., trading as Contact (New), 2194-C2-P-69.
Penna Radio Telephone Corp. (New), 2991-C2-P-69.
Radio Broadcasting Co. (New), 3066-C2-P-69.

Delaware

Radio Broadcasting Co. (New), 3066-C2-P-69.

RURAL RADIO SERVICE

7225-C1-P/L-71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 16.7 miles west of Hanna, Wyo., to operate on frequency 158.07 MHz communicating with Station KOK330, Rawlins, Wyo.

7226-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at 27.5 miles north-northwest of Laredo, Tex., to operate on frequency 157.98 MHz communicating with Station KLF569, Laredo, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

7428-C1-P-71—Central Telephone Co. (KPZ46), C.P. to replace transmitters and increase output power for frequencies operating on 6256.5 and 6375.1 MHz toward Blue Diamond, Nev. Station location: Mount Potosi, approximately 21.5 miles southwest of Las Vegas, Nev.

7429-C1-P-71—Central Telephone Co. (KPZ48), C.P. to replace transmitters and increase output power for frequencies 6004.5 and 6123.1 MHz toward Mount Potosi, Nev. Station location: Blue Diamond, Nev.

POINT-TO-POINT MICROWAVE RADIO SERVICE: (NONTELEPHONE)

7274-C1-P-71—Mountain Microwave Corp. (New), C.P. to add frequency 11,338 MHz toward De Smet, S. Dak., on azimuth 69°17'. Station location: 0.75 mile south of Huron, S. Dak.

7275-C1-P-71—Mountain Microwave Corp. (WAY46), C.P. to add frequency 10,775 MHz toward new point to communication at Toronto, S. Dak., on azimuth 80°25'. Station location: 5 miles northwest of De Smet, S. Dak.

7276-C1-P-71—Mountain Microwave Corp. (WDE42), C.P. to add frequency 11,305 MHz toward new point of communication at Brookings, S. Dak., (latitude 44°18'13" N., longitude 96°46'10" W.), on azimuth 191°51'. Station location: 3 miles northwest of Toronto, S. Dak.

(INFORMATIVE: Applicant proposes to provide the television signal of Station KWGN-TV, Denver, Colo., to KOTA Cable TV Co. in Brookings, S. Dak.)

7277-C1-MP-71—Western Tele-Communications, Inc. (KZA87), Modification C.P. (730-C1-P-71) to change location of receiving station at Rexburg, Idaho, to latitude 43°48'53" N., longitude 111°46'36" W. Station location: East Butte, 32 miles west of Idaho Falls, Idaho.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

7430-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at 50 South Ninth Street, Minneapolis, Minn., at latitude 44°58'33" N., longitude 93°16'29" W. Frequency 10,895H MHz on azimuth 115°00' to passive repeater at latitude 48°58'28" N., longitude 93°16'17" W. and thence on azimuth 51°00' to New Brighton, Minn.

7431-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at 3415 University Avenue, St. Paul, Minn., at latitude 44°58'07" N., longitude 93°12'27" W. Frequency 11,665V MHz on azimuth 33°30'.

(INFORMATIVE: Applicant is adding new stations at television stations KSTP (TV) and WCCO (TV) to be used in conjunction with the system proposed in Files Nos. 3680 through 3685-C1-P-71 which appeared on Public Notice dated Feb. 22, 1971.)

7448-C1-P-71—Mountain Microwave Corp. (KZI51), C.P. to add a new point of communication at Chamberlain, S. Dak. Location: Medicine Butte, 6 miles north of Reliance, S. Dak., at latitude 43°57'55 N., longitude 99°36'11" W. Frequency 6123.1V MHz on azimuth 138°25'.

(INFORMATIVE: Applicant proposes to provide the television signal of Station KOA-TV of Denver, Colo., to Missouri Valley T.V. Co. in Chamberlain, S. Dak.)

7449-C1-P-71—Brentwood Co./Microwave Service Co. (WHA83), C.P. to change frequency from 6182.4 MHz to 6133.8V MHz on azimuth 329°22'. Location: 11.3 miles north-northeast of Caliente, Calif., at latitude 35°27'14" N., longitude 118°35'37" W.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

7267-C1-P-71—Michigan Tele-Communication Services, Inc. (New), C.P. for a new station to be located at Book Building, 1249 Washington Boulevard, Detroit, MI. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural) toward various points of the system.

7268-C1-P-71—World Ventures, Inc. (New), C.P. for a new station to be located at Foshay Tower, 821 Marquette Avenue, Minneapolis, MI. Frequencies: 2152.325 MHz (visual), 2150.20 MHz (aural) and 2158.50 MHz (visual), 2154.00 MHz (aural) to various points of the system.

7269-C1-P-71—Robert L. Mohr, doing business as RadioCall Corp. (New), C.P. for a new station to operate at temporary fixed locations within the territory of the grantee. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural).

7424-C1-P-71—Peabody Telephone Answering Service (New), C.P. for a new station to be located at Newbury Street (Route No. 1), Peabody, Mass. Frequencies: 2150.200 MHz (aural), 2152.325 MHz (visual) and 2154.00 MHz (aural), 2158.50 MHz (visual) to various points of the system. (This will serve the Boston, Mass., area.)

7450-C1-P-71—Dayton Communications Corp. (New), C.P. for a new station to be located at 2971 Bluefield Avenue, near Dayton, Ohio. Frequencies: 2154.775 MHz (visual), 2150.275 MHz (aural) to various points of the system.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

California

World Ventures, Inc. (New), File No. 6233-C1-P-71.
Robert L. Mohr, doing business as RadioCall Corp. (New), File No. 7269-C1-P/L-71.

[FR Doc.71-9320 Filed 6-30-71;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 100]

HOUSTON FIRST FINANCIAL GROUP, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Pasadena Savings Association

JUNE 25, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Houston First Financial Group, Inc., Houston, Tex., a unitary savings and loan holding company and a one bank holding company, for approval of acquisition of control of the Pasadena Savings Association, Pasadena, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of stock of the applicant for the assets of Pasadena Savings Association. The assets and liabilities of Pasadena Savings Association are to be assumed by Houston First Savings Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-9316 Filed 6-30-71;8:50 am]

FEDERAL MARITIME COMMISSION

ATLANTIC GULF/ORIENT RATE AGREEMENT

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. William Cheng, Secretary, Atlantic & Gulf/Orient Rate Agreement, c/o China Merchants Steam Navigation Co. Ltd., 61 Broadway, Suite 2124, New York, NY 10006.

Agreement No. 9656-1 is a modification of the Atlantic & Gulf/Orient Rate Agreement's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: June 28, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9348 Filed 6-30-71;8:53 am]

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE AGREEMENT

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San

Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

L. S. Bissell, Executive Officer, United States Great Lakes-Bordeaux/Hamburg Range Westbound Conference, 1 Como Street, Romford, RM7 7DL, Essex, England.

Agreement No. 7830–12 changes the method for determining how the Conference operating expenses shall be apportioned among the members.

Dated: June 28, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9349 Filed 6-30-71;8:53 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice is hereby given that the following vessel owners and/or operators have requested voluntary revocation of their Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act as amended.

Certificate No.	*Owner/Operator and Vessels*
01031---	Garth Shipping Co., Ltd.: Glyntaf.
01088---	Schulte & Burns: Elisabeth Schulte. Ilse Schulte.
01103---	Poseidon Schiffahrt Gesellschaft mit beschrankter HAFTUNG: Transpacific.
01305---	Royal Mail Lines, Ltd.: Albany. Thissaly. Pacific Northwest.
01306---	Shaw Savill & Albion Co., Ltd.: Aranda.
01343---	Hamburg - Sudamerikanische Dampfschifffahrts - Gesell - schaft Eggert & Amsinck: Polarlight.
01345---	Bock, Godeffroy & Co.: Polarstern.
01431---	The Bolton Steam Shipping Co., Ltd.: Redcar.
01438---	The Carlton Steamship Co., Ltd. and the Cambay Steamship Co., Ltd.: Lynton.
01548---	Hain-Bourse, Ltd.: Nurjehan.
01605---	d'Amico Societa di Navigazione a.r.l.: Mina D'Amico.
01726---	Ab Allhem: Scandia Clipper.
01749---	Iludosot Compania Naviera S.A. Panama: Michail A. Karagerogis.
01752---	Fomento Maritimo Navegacion S.A. Panama: Missiniali Armonia.
01754---	Blue Peter Steamships, Ltd.: Blue Trader.
01876---	Sicula Ligure-Societa de Navigazione S.p.A.: Sunmalka.
01986---	Aktiebolaget Transmarin: Ebba.
01995---	Rederi Ab Dias: Axelini Brodin. Eva Brodin.
01299---	Compagnie Havraise et Nantaise Peninsulaire: Cerons.
02050---	Bluesea Corp.: Blue Sea.
02197---	Matson Navigation: SS Hawaiian Rancher.
02202---	Humble Oil & Refining Co.: Esso Fuel Oil.
02239---	Compagnia Mariettima Carlo Cameli: Vivalta. Vittorio. Mirafiori. Santa Valeria.
02341---	Koninklijke Nederlandsche Stoomboot-Maatschappoj N.V.: Daphnis.
02383---	Kristiansands Tankrederi A/S and A/S Kristiansands Tankrederi II: Sunplynisia.
02550---	Primo Transport Corp.: Island Mariner.
02592---	Sociedad Transoceanica Canopus S.A.: Pollux. Castor. Antares. Procyon. Andromeda. Aries. Perseus. Pegasus. Vega.
02863---	Naviera Aznar, S.A.: Monte Penalara. Monte Pogasarri.
02807---	Isthmian Lines, Inc.: S/S Steel Director.
02870---	States Marine International, Inc.: Evergreen State. S/S Constitution State.
03134---	Compania Naviera Marlena, S.A.: Marlena.
03137---	The Cunard Steam-Shipp Co., Ltd.: Parthia. Media. Malancha.
03301---	Prudential-Grace Lines, Inc.: Santa Flavia.
03340---	Lloyds Africa, Ltd.: Eastport.
03484---	Sanko Kisen K.K.: Ryuko Maru.
03505---	Showa Yusen Kabushiki Kaisha: Eishun Maru.
03677---	G. & N. Angelakis-D. & S. Grigoriou-I. Maltezos: Ioannis.
03821---	Margrande Compania Naviera S.A.: Neapolis.
03832---	Liberian Transocean Navigation Corp.: Alexandra I.
03835---	Liberian Ocean Cargo Corp.: Castella.
03875---	Ingram Ocean Systems, Inc.: Martha B. Ingram.
03880---	Societe Maritime & Commerciale S.A.: La Turbia.
04001---	Compania Naviera Independencia: Freelancer.
04007---	Egon Oldendorff: Hillie Oldendorff.
04077---	Fritzen Schiffsagentur Undbereederungs-G.M.B.H.: Elizabeth Entz.
04113---	Mon River Towing, Inc.: Jacob G.
04233---	S.B.A. Barge Co., Inc.: BB–797. BB–796. SBA–200. SBA–100.
04236---	Bo-Boi Barge Co., Inc.: LSC–51. LSC–52.
04289---	Dixie Carriers, Inc.: ETT–117.
04313---	Eastmount Shipping Corp.: Susquehanna.
04315---	Kardamylian Development Corp. S.A.: Sarta Trinidad.
04357---	Koninklijke Nedlloyd N.V.: Annenkerk.
04468---	Kotoshiromaru Gyogyo Kabushiki Kaisha: Kotoshiromaru.
04485---	Fujiuramaru Gyogyo Kabushiki Kaisha: Fujiuramaru No. 27.
04564---	Yamashita-Shinnihon Kisen Kaisha:
04564---	Yamashita - Shinnihon Kisen Kaisha: Yamatoyo Maru.
04595---	Antillean Carriers N.V.: Antillian Liger.
04672---	Reliance Carriers, Inc.: Reliance Dignity. Reliance Cordiality. Reliance Amity. Reliance Fidelity. Reliance Fraternity. Reliance Prosperity. Reliance Sincerity. Reliance Solidarity. Reliance Dynasty.
04867---	Richmond Shipping Co., S.A.: S/S Richmond.
04880---	Oljekonsumenternas Forbund: Okland. Oktania. Oklahoma.
04936---	Alaska Steamship Co.: Nenane.
05124---	Yosuke Kawaguchi: Seishu Maru.
05167---	Consorcio Naviero Peruano S.A.: Ica. Cuzco.
05341---	Oswego Steamship Co., Inc.: Silver Ibis. Silver Swan. Silver Gull.

Certificate No.	Owner/Operator and Vessels
05466	Pan-Islamic Steamship Co., Inc.: Safina-E-Barkat. Safina-E-Nusrat.
05511	Societa Trasporti Transatlantici S.p.A.: Punta Cervo.
05520	Union Carbide Co.: M/G 10–A. M/G 10–C. M/G 10–D. Butcher 1. Butcher 4. NMS 3204. Butcher 2. Butcher 3. Butcher 5.
05679	South Texas Shipping & Towing, Inc.: LRL–111.
05694	Koei Gyogyo Kabushiki Kaisha: Koei Maru No. 7.
01749	Iludosot Compania Naviera S.A. Panama: Messiniaki Armonia.
05281	Slade, Inc.: H. T. Co. No. 42. H. T. Co. No. 41. H. T. Co. No. 26. Pan Am–219.
04458	Naviera Artola S.A.: Loyola.
04407	Domar, Inc.: Z–122.
02152	A. F. Klaveness & Co. A/S: Bougainville.
02049	Astro Ascendente Compania Naviera S.A.: Aries.
01463	The Ropner Shipping Co., Ltd.: Copecrag.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9347 Filed 6-30-71;8:53 am]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Extension of Time for Registration

Order pursuant to section 5(a) of the Bank Holding Company Act.

By virtue of amendments to the Bank Holding Company Act enacted on December 31, 1970, companies which controlled one bank on that date are required to register with the Board by June 29, 1971. Section 5(a) (12 U.S.C. 1844(a)) of the Act authorizes the Board to extend the time for filing in its discretion. It appears that such extension is in the public interest, in the light of the relatively short period permitted for compliance with the requirement.

It is hereby ordered, That the time set forth in section 5(a) of the Act for registration with the Board be and hereby is extended until August 31, 1971, or 180 days after a company becomes a bank holding company, whichever is later.

By order of the Board of Governors, June 22, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9268 Filed 6-30-71;8:45 am]

FIRST HOLDING CO., INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Holding Co., Inc., Waukesha, Wis., for approval of acquisition of 80 percent or more of the voting shares of The First National Bank of Elk Horn, Elkhorn, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Holding Company, Inc., Waukesha, Wis. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of Elk Horn, Elkhorn, Wis. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 28, 1971 (36 F.R. 8007), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

The 10 largest banking organizations in Wisconsin, all of which are bank holding companies, control approximately 39 percent of commercial bank deposits in the State. Applicant controls five banks with aggregate deposits of $151 million, representing 1.7 percent of total bank deposits in the State, and is the fifth largest bank holding company. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board through April 30, 1971.) Applicant's acquisition of Bank, with deposits of $16 million, would increase its share of State deposits by only 0.2 percent, representing no significant increase in its control of deposits in the State, or change in its present ranking.

Bank operates its main office in Elkhorn and one branch office 6 miles south of Elkhorn. Bank is the largest of the 13 independent banks operating in Walworth County, holding 13.4 percent of county deposits; however, the next three largest banks are approximately comparable to it in size and control 12.5, 10.7, and 9.5 percent, respectively, of county deposits. Applicant's closest subsidiary office is situated 32 miles from Bank, and no significant present competition exists between Bank and this office, or with any of Applicant's other offices. It does not appear that consummation of this proposal would foreclose significant potential competition because of the distances involved, the presence of intervening banks, and Wisconsin's restrictive branching laws. Based upon the foregoing and the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area nor any of the competing banks.

The banking factors as they pertain to Applicant, its subsidiaries and Bank are consistent with approval of the application. Although the major banking needs of the area appear to be satisfied at the present time, Applicant's proposed new and improved services for Bank should prove beneficial to the public. Applicant plans to make trust services available at Bank, to improve its present computer services and to departmentalize the installment lending business and furnish personnel to manage the new department. Considerations relating to the convenience and needs of the communities to be served by Bank lend some support for approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] June 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9269 Filed 6-30-71;8:45 am]

LINCOLN FIRST BANKS, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Lincoln First Banks, Inc., which is a bank holding company located in Rochester, N.Y., for prior approval by the Board

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell and Daane.

of Governors of the acquisition by applicant of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The National Bank of Northern New York, Watertown, N.Y.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

By order of the Board of Governors, June 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9270 Filed 6-30-71;8:45 am]

UNITED BANK SHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by United Bank Shares, Inc., El Paso, Tex., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the outstanding voting shares (less directors' qualifying shares) of the successor by merger to Southwest National Bank of El Paso, El Paso, Tex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, June 24, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9271 Filed 6-30-71;8:46 am]

UNITED JERSEY BANKS

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Jersey Banks, which is a bank holding company located in Hackensack, N.J., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (excluding directors' qualifying shares) of the successor by merger to The First National Bank of Princeton, Princeton, N.J.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

By order of the Board of Governors, June 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-9272 Filed 6-30-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-16]

PASSENGER VEHICLES OWNED OR OPERATED BY FEDERAL AGENCIES

Acquisition of Additional Systems and Equipment

JUNE 29, 1971.

To heads of Federal agencies.

1. *Purpose.* This regulation prescribes guidelines for acquisition of additional systems and equipment for passenger vehicles owned or operated by Federal agencies.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (7-1-71).

3. *Expiration date.* This regulation expires October 31, 1971, unless sooner revised or superseded. Prior to this expiration date, this regulation will be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies.

5. *Background.* The policies and procedures prescribed in FPMR Temporary Regulation E-14 are limited to the purchase of new passenger vehicles pursuant to Public Law 91-423. Guidelines are needed to cover the addition of certain systems and equipment on passenger vehicles now in Federal service. This regulation authorizes the acquisition of certain systems and equipment for such vehicles pursuant to Public Law 91-423.

6. *Additional systems and equipment authorized.* The items included in Attachment A, Additional Systems and

Equipment, may be procured for passenger vehicles provided the selection guidelines in this regulation are met. If the guidelines cannot be met or the required item is not shown in Attachment A and the agency considers the item to be essential, a justification shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, for approval prior to procurement.

7. *Determination by agency.* Selection of additional systems and equipment shall be made by the agency holding the vehicle. The agency head or his designee shall determine which vehicles require specific additional systems and equipment.

8. *Selection guidelines.* Additional systems and equipment shown in Attachment A may be procured under the provisions of this paragraph and the air-conditioning guidelines of paragraph 9.

a. A determination shall be made that the vehicle for which additional systems and equipment are to be acquired:

(1) Has at least 2 years expected remaining serviceable life; and

(2) Has been operated less than 40,000 miles.

b. The acquisition shall be based on the need to provide for overall economy, efficiency, safety, and suitability of the vehicle with the additional items, and in consideration of the:

(1) Climatic conditions prevailing in the area of vehicle operation.

(2) Effect on vehicle operational capabilities.

(3) Special terrain requirements.

(4) Availability of maintenance and service facilities.

9. *Air-conditioning guidelines.* Where the guidelines in paragraph 8 for additional systems and equipment have been met and the vehicle involved will operate principally in the geographic areas shown in the shaded portion of the map illustrated in Attachment B to Temporary Regulation E–14, air conditioning may be procured without further justification.

a. Where the vehicle involved will operate in areas other than those in the shaded area on the map or outside of the United States, justification for air conditioning would be appropriate if the vehicle will operate principally in areas which maintain a "700 cooling degree day." Computation for a cooling degree day, using the 4 hottest months of the year is as follows:

(1) For each day, average the high and low of the daily recorded temperatures to obtain the daily average temperature.

(2) For each day, subtract the base value of 65° F. from the daily average temperature, with negative results being zero.

(3) Total all the daily remainders for the 4 months.

b. If air conditioning is determined essential irrespective of whether the guidelines are met, the agency shall request approval, by submitting a justification to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, prior to procurement, pursuant to paragraph 6 of this regulation.

10. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than August 31, 1971, for consideration and possible incorporation into the permanent regulation.

Dated: June 29, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

ATTACHMENT A—ADDITIONAL SYSTEMS AND EQUIPMENT

HEAVY DUTY EQUIPMENT

Cooling system.
Electrical system Battery—70 amp. hour, Alternator—50 amp.
Electrical system Battery—95 amp. hour, Alternator—60 amp.

SPECIAL EQUIPMENT

Air conditioner (w/engines of 145 or more GHP).
Bumper guards.
Cap, gas tank, locking type.
Compensating cooling system (overflow tank).
Drain plugs, magnetic.
Gauges on dash panel (temperature, ammeter, & oil).
Mirror, rearview, right outside.
Power plant heaters (severe cold areas only).
Radio, AM.
Rear window deflector (station wagons only).
Rotating beacon (warning lamp).
Rustproofing.
Siren.
Towing devices (hitch, wiring, & HD items).
Undercoating.

[FR Doc.71-9431 Filed 6-30-71;9:31 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5040]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

JUNE 24, 1971.

Notice is hereby given that Alabama Power Co. (Alabama), 600 North 18th Street, Birmingham, AL 35203, an electric utility subsidiary company of The Southern Co. (Southern), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell, subject to Rule 50 under the Act, $85 million principal amount of First Mortgage Bonds, _____ percent Series due July 1, _____. The bonds will mature not less than 5 years and not more than 30 years from the second day of the calendar month within which they are issued, such maturity date to be determined not less than 72 hours prior to the time of the sale of the bonds. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Alabama (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the provisions of the Indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture dated as of July 1, 1971, which includes a prohibition until July 1, 1976, against refunding the issue with the proceeds of funds borrowed at lower interest cost.

The net proceeds received from the issue and sale of the bonds, together with excess cash on hand and cash capital contributions of $42 million to be made by Southern, will be used by Alabama to finance its 1971 construction program estimated at $227,630,000, to pay outstanding short-term bank notes and commercial paper issued for such purpose, and for other lawful purposes.

It is stated that the Alabama Public Service Commission has expressly authorized the proposed issue and sale of the bonds by Alabama and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than July 12, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including

the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-9299 Filed 6-30-71;8:48 am]

[70-5043]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Surety Bond by Holding Company

JUNE 24, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to act as surety for one of its electric utility subsidiary companies, Appalachian Power Co. (Appalachian), pursuant to an order of the Public Service Commission of West Virginia (West Virginia Commission) in connection with placing into effect new rates prior to completion of an investigation by the West Virginia Commission with respect thereto. On February 22, 1971, Appalachian filed with the West Virginia Commission new increased rates for electric service in West Virginia. By order dated March 3, 1971, the West Virginia Commission suspended those rates for the statutory period of 120 days pending its investigation of such rates. The new rates can be made effective on and after July 29, 1971, subject to the posting by Appalachian of an appropriate bond to assure the making of appropriate refunds to its customers in the event the West Virginia Commission's final order in the proceeding should require refunds to be made. The West Virginia Commission has indicated that it would permit AEP to become a surety for Appalachian in lieu of Appalachian's posting a bond. It is expected that the amount of the bond will not exceed $9,375,000, which is the estimated additional annual revenue under the new rates. AEP desires to consummate the proposed transactions in order to save Appalachian the cost of the statutory bond, which is estimated to cost approximately $16,000 annually.

It is stated that no fees, commissions, or other expenses are expected to be paid or incurred by AEP or any associate company in connection with the proposed transaction and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 13, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-9300 Filed 6-30-71;8:49 am]

[812-2960]

AMERICAN REPUBLIC ASSURANCE CO. AND AMERICAN REPUBLIC ASSURANCE COMPANY SEPARATE ACCOUNT B

Notice of Filing of Application for Order for Exemption

JUNE 24, 1971.

Notice is hereby given that American Republic Assurance Co. (Assurance Company), a stock insurance company organized on June 28, 1967, under the Code of Iowa, and American Republic Assurance Company Separate Account B (Separate Account B), Sixth and Keosaugua Streets, Des Moines, IA 50301, hereinafter referred to as applicants, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting applicants from the provisions of sections 22(d) and 27(a)(3) of the Act.

Assurance Company established Separate Account B on August 21, 1967, pursuant to the Iowa Insurance Law to allocate to Separate Account B purchase payments, after certain deductions, received under individual and group variable annuity contracts designed to provide retirement payments to employees of public school systems, certain tax-exempt organizations, and pension and profit-sharing plans meeting the requirements of section 403(b) or 401 of the Internal Revenue Code. Separate Account B is registered as an open-end, diversified management investment company under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 22(d) of the Act, in pertinent part, makes it unlawful for any registered investment company to sell any security issued by it to any person except at a current offering price described in the prospectus.

Applicants sell and maintain individual and group variable annuity contracts, deducting from the gross purchase payments a sales charge. The net purchase payments under the contracts (i.e., purchase payments less any premium taxes and less a sales charge) are allocated to Separate Account B. Assurance Company also sells fixed annuity contracts, deducts the same sales charges, and allocates the payments to a General Account of Assurance Company. Contract owners may elect to have the total amounts which are credited to their accounts in Separate Account B and in the General Account of Assurance Company applied to provide variable accumulation units, fixed-dollar accumulation units or a combination of variable and fixed-dollar annuity, or to the purchase of a variable annuity, a fixed-dollar annuity or a combination variable and fixed-dollar annuity. In cases where a contract owner elects to have an amount credited to his account in the General Account applied to provide variable accumulation units or a variable annuity, Applicants propose to permit the transfer of accumulation units from the General Account to Separate Account B without the payment of an additional sales charge on the amount so transferred. Applicants submit that since a uniform sales charge is deducted from all purchase payments made by contract owners, whether allocated to the General Accounts or Separate Account B, the transfer of accumulation units from the General Account of Assurance Company to the Separate Account B in order to provide variable accumulation units or a variable annuity without an additional sales charge would not be inconsistent with the purposes of 22(d) and would be in the interest of the investors and the public. Applicants request an exemption from section 22(d) to the extent necessary to permit the transfer of accumulation units from the General Account of Assurance Company to Separate Account B without an additional sales charge. Such transfers shall be permitted only once each year.

Section 27(a)(3) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company to sell any such certificate if the amount of sales load deducted from any one of the first 12 monthly payments exceeds proportionately the amount deducted from any other such payment or if the amount of sales load deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Applicants propose to impose sales load deductions from single purchase payments under Group Unit Purchase and Group Unit Accumulation Contracts as follows:

Group Unit Purchase Contracts:

	Percent
First $50,000	6
Next 50,000	4
Next 150,000	3
Balance	2

Group Unit Accumulation Contracts:

	Percent
First $50,000	6
Next 50,000	4
Balance	2

Applicants also propose to impose sales load deductions from the purchase payments received under Group Unit Accumulation Contracts as follows:

For the first purchase payments received during each year of the first through fifth contract years:

	Percent
First $50,000	6
Next 50,000	4
Balance	2

For purchase payments received during each year of the sixth through 10th contract years:

	Percent
First $50,000	4.5
Next 50,000	3.0
Balance	1.5

For purchase payments received during the 11th year and each subsequent contract year:

	Percent
First $50,000	3
Next 50,000	2
Balance	1

Applicants request an exemption from section 27(a)(3) of the Act in order to permit such schedules of sales load deductions or any similar schedules under which the percentage amounts of sales load deducted from payments under contracts issued in connection with Separate Account B may decrease within a contract year (or subsequent years under Group Unit Accumulation Contracts), provided that the percentage amount of sales load deducted from any payment under any such contract shall not exceed 9 percent of such payment. Applicants represent that section 27(a)(3) of the Act was designed to lessen losses which might be incurred upon early termination of periodic payment plan certificates involving front-end load arrangements. Applicants further represent that their proposed sales deduction schedules do not involve a front-end load arrangement and that such schedules cannot lead to the abuses intended to be curbed by section 27(a)(3).

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities, or transactions from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 15, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9298 Filed 6-30-71;8:48 am]

[File No. 1-4692]

FAS INTERNATIONAL, INC.

Order Suspending Trading

JUNE 25, 1971.

The common stock, 2 cents par value and the 5 percent convertible subordinated debentures due 1989 of FAS International, Inc., being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of FAS International, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities is required in the public interest and for protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 26, 1971, through July 5, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9296 Filed 6-30-71;8:48 am]

[70-4599]

NEW JERSEY POWER & LIGHT CO.

Notice of Posteffective Amendment Regarding Sale of Utility Poles to Nonassociate Companies

JUNE 24, 1971.

Notice is hereby given that New Jersey Power & Light Co. (NJP&L), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed with this Commission a third posteffective amendment to its declaration in this proceeding pursuant to section 12(d) of the Public Utility Holding Company Act of 1935 (Act) and Rule 44 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

NJP&L proposes to sell to two subsidiary companies of United Utilities System (United), namely, New Jersey Telephone Co. and United Telephone Co. of New Jersey, from time to time prior to January 1, 1973, for cash, a total of approximately 2,214 electric distribution wood poles (or, in the case of jointly owned poles, NJP&L's interest therein) along with certain appurtenant anchor rods and plates, in place, which are used jointly by NJP&L and the two United subsidiary companies. The consideration for the property proposed to be transferred will be cash equal to the depreciated original cost thereof as of January 1 preceding the date of transfer. Of the foregoing 2,214 poles, 779 poles are covered by the Commission's Orders heretofore issued in this proceeding (Holding Company Act Releases Nos. 16074 (May 24, 1968), 16453 (August 20, 1969), and 16786 (July 20, 1970)). In order to make said proposed sales, NJP&L has amended its declaration so as to seek authority to (i) increase from the 4,500 poles heretofore authorized for sale by the foregoing orders to approximately 5,935 poles, or by an additional 1,435 poles, the number of electric distribution wood poles (or, in the case of jointly owned poles, NJP&L's interest therein) that may be sold by NJP&L, (ii) extend the time period over which sales

of the 2,214 poles which have not as yet been sold may be made to December 31, 1972, and (iii) immediately consummate the sale of 1,113 poles for an aggregate consideration of $109,950.50 (which number of poles includes 779 poles covered by the declaration as heretofore amended and an additional 334 poles out of the 1,435 poles, authority for the sale of which is being sought herein). Jurisdiction will be retained over the sale of the remaining 1,101 poles not being sold immediately.

The New Jersey Board of Public Utility Commissioners has jurisdiction over the sale of the poles. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 15, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9297 Filed 6-30-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[License No. 10/13-5027]

ALYESKA INVESTMENT CO.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On March 12, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 4826) stating that Alyeska Investment Co., 1815 South Bragaw Street, Anchorage, AK 99504, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.102 (1968)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business March 22, 1971, to submit their written comments to SBA.

Notice as hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 10/13-5027 to Alyeska Investment Co., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: June 21, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-9292 Filed 6-30-71;8:48 am]

[License No. 01/01-5073]

GREATER SPRINGFIELD INVESTMENT CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR 107.102 (1968)) under the name of Greater Springfield Investment Corp., 958 State Street, Springfield, MA 01109, for a license to operate in the Commonwealth of Massachusetts as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

The proposed officers, directors, and principal shareholders of the Class A common stock are as follows:

Robert S. Carroll, President and Director, 211 Concord Road, Longmeadow, MA.
Richard H. Drohan, Treasurer and Director, 1357 Parker Street, Springfield, MA.
Paul S. Doherty, Clerk and Director, 47 Chatham Road, Longmeadow, MA.
George C. Holderness, Director, 171 Concord Road, Longmeadow, MA.
Murray P. Lynch, Director, 52 Hillside Drive, East Longmeadow, MA.
William G. Mazeine, Director, 63 Meadow [illegible], East Longmeadow, MA.
Joseph C. Riga, Jr., Director, 111 Parker Street, East Longmeadow, MA.
Richard H. Shaw, Director, 47 Ridge Road, East Longmeadow, MA.
John A. Vivian, Director, 16 Cooley Drive, Wilbraham, MA.
Karl P. Wolczak, Director, 11 Hayes Avenue, Feeding Hills, MA.
John F. Warren, Director, 118 Avondale Road, Longmeadow, MA.
Paul J. Greeley, Director, 232 Burt Road, Springfield, MA.
Third National Bank of Hampden County, 23 percent, 1391 Main Street, Springfield, MA.
Valley Bank and Trust Company, 21 percent, 1351 Main Street, Springfield, MA.
First Bank and Trust Company, 13 precent, 127 State Street, Springfield, MA.
Springfield Institution for Savings, 16 percent, 1459 Main Street, Springfield, MA.

The applicant, a Massachusetts corporation, will begin operations with $181,000 of paid-in capital and surplus consisting of 15,400 shares of Class A (voting) common stock issued at $10 per share, and 2,700 shares of Class B (nonvoting) common stock issued at $10 per share, and convertible into Class A common stock on a one to one basis. The Massachusetts Mutual Life Insurance Co. will own all of the Class B stock.

As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. The applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Springfield, Mass.

Dated: June 21, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-9293 Filed 6-30-71;8:48 am]

ILLINOIS CAPITAL INVESTMENT CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR 107.701 (1971)) for transfer of control of Illinois Capital Investment Corp. (Illinois Capital), 208 South La Salle Street, Chicago, IL 60604, a Federal

Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. secs. 661 et seq.) (Act).

Illinois Capital was incorporated under the laws of the State of Illinois on March 11, 1961, and was licensed by SBA on May 4, 1961. The Licensee is a registered investment company under the Investment Company Act of 1940 (15 U.S.C. secs. 80a–1 et seq.). As of March 31, 1971, the Licensee had 175,048 shares of common capital stock issued and outstanding of which 55,891 shares or 31.92 percent (a controlling interest) was owned by Mr. Irving Berlin of Chicago, Ill. Mr. Berlin has agreed to sell his shores to Clermont Corp., an Ohio corporation with its principal place of business at 5825 Angola Road, Toledo, OH 43615.

Clermont Corp. was formed on January 7, 1971. The sole stockholder of Clermont Corp. is Mr. Thomas F. Donofrio of Toledo, Ohio. Clermont Corp. wholly owns Meadow Still Corp. (formerly Royal Oak Racquet and Country Club) and is currently engaged in the operation of a country club and the construction of apartment buildings. Clermont Corp. proposes to guarantee Illinois Capital's past due debts to SBA in the unpaid principal amounts of $150,000 and $80,050 due January 12, 1971, and January 26, 1971, respectively.

As a result of the proposed transfer of control which is contingent upon and subject to SBA approval, Mr. Donofrio will acquire control of Illinois Capital. The following individuals include the proposed new officers and directors:

Name, address, and relationship

Thomas F. Donofrio, President and director, 5825 Angola Road, Toledo, OH 43615.

William T. Donofrio, Executive vice president and director, 5115 Cranston Drive, Toledo, OH 43615.

John A. Garwood, Secretary-treasurer and director, 5057 Hingham Lane, Toledo, OH 43615.

Thomas W. Korb, Director, 13390 West Blue Mound Road, Elm Grove, WI 53122.

The principal office of Illinois Capital will remain in Chicago, Illinois. A branch office will be operated at 5825 Angola Road, Toledo, Ohio 43615.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner and management, and the probability of successful operations of the company under such management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested person may, not later than 10 days from the publication of this notice, submit to SBA in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: June 22, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-9294 Filed 6-30-71;8:48 am]

[337-22]

TARIFF COMMISSION

TRACTOR PARTS

Findings of Unfair Methods and Acts in Importation

The Tariff Commission on June 25, 1971, issued a report on its findings in investigation No. 337–22 instituted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) upon complaint of Albert Levine Associates of Jamaica, N.Y. In its report, the Commission finds: Unfair methods of competition and unfair acts in the importation into the United States of certain tractor parts, described below, manufactured by Bertoni & Cotti of Copparo, Ferrara, Italy, and in their sale by the persons identified below, the effect or tendency of which is to restrain or monopolize trade and commerce in the United States, in violation of section 337(a) of the Tariff Act of 1930.

The imports involved are articles manufactured by Bertoni & Cotti and shipped to the U.S. importer-distributors identified below and consist of parts of the type used in the undercarriage of crawler (tracklaying) tractors, as follows: track chain, track chain components (such as pins, links, and bushings), track shoes, sprockets, idlers, track rollers, and assemblies of two or more of the foregoing.

The specific unfair method or act involved has been the combination and conspiracy of Bertoni & Cotti and the following U.S. importer-distributors of the aforementioned tractor parts: Jackson Tractor Parts Co., Inc., Tupes of Saginaw, Inc., Wilson Parts and Equipment Co., Shaull Equipment and Supply Co., Inc., International Steel Products, Inc., Tru-Rol Co., Inc., Burgman Supply Co., and Seaboard Equipment Co., Inc., the purpose of which has been to boycott Albert Levin Associates, Jamaica, N.Y., and to prevent that firm from importing and selling tractor parts manufactured by Bertoni & Cotti in violation of section 337(a) of the Tariff Act of 1930.

Based upon its findings, the Commission recommends that the President order the exclusion of the tractor parts described above from entry into the United States.

Under the statute (19 U.S.C. 1337(c)) a rehearing before the Commission may be requested. In accordance with § 201.14 of the Commission's rules of practice and procedure (19 CFR 201.14) a motion for a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. Tariff Commission, Washington, D.C. 20436, within twenty (20) days after publication of this notice. The motion must state clearly the grounds wlhch are relied upon for the granting of a rehearing and must be accompanied by 19 true copies.

Issued: June 25, 1971.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-9305 Filed 6-30-71;8:49 am]

[TEA-F-25]

UTICA CUTLERY CO.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Utica Cutlery Co., Utica, N.Y., the U.S. Tariff Commission, on June 25, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with stainless steel table flatware of the type produced by the aforementioned firm, is being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: June 28, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-9328 Filed 6-30-71;8:51 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year.

Amos Quality Market, foodstore; 116 East Eighth Avenue, Homestead, PA; 4-13-72.

Andys Model Market, foodstore; 1221 North Seventh, Harlingen, TX; 3-20-72.

Anthony's Supermarket, foodstore; Oak Street, Frackville, Pa.; 4-12-72.

Arne's Fairway, foodstore; 203 West Main, Ada, MN; 4-1-72.

Ashtabula Hotel Building Co., hotel; 4726 Main Avenue, Ashtabula, OH; 3-21-72.

Bel Air Convalescent Center, Inc., nursing home; 9350 West Fond du Lac Avenue, Milwaukee, WI; 3-22-72.

Ben Franklin Store, variety-department stores: No. 1135, Cedar Lake, Ind., 4-7-72; 3938 Lincoln Way West, South Bend, IN; 4-6-72.

Bennett's Foodliner, foodstore; Ruidoso, N. Mex.; 3-26-72.

Beynon IGA Foodliner, foodstore; Divernon, Ill.; 3-20-72.

Big K Department Store, variety-department store; Charlotte Square Shopping Center, Nashville, Tenn.; 4-18-72.

The J. B. Bishop Store, foodstore; Valley Falls, S.C.; 3-9-71 to 3-2-72.

Black & White, Inc., variety-department store; 236 South Main, Yazoo City, MS; 3-22-72.

Bladenboro Cash Store, Inc., foodstore; Main Street, Bladenboro, N.C.; 3-27-72.

Bondurant Drug, Inc., drugstore; 109 Main Street, Corbin, KY; 4-14-72.

Bone Superette, foodstore; 609 First Street, Bald Knob, AR; 4-10-72.

Brooks Griffin, agriculture; Route 3, Elaine, AR; 4-11-72.

Buehler Market, foodstores; 90 Broad Street SW., Atlanta, GA, 4-26-72; 104 Georgia Avenue SE., Atlanta, GA, 4-26-72; 409 East Main Street, Streator, IL, 3-25-72.

By-Lo Super Market, foodstore; 639 Gillespie Street, Fayetteville, NC; 3-31-72.

Carney's, variety-department store; 128 South Main Street, Marysville, OH; 4-6-72.

Central Market, Inc., foodstore; 83 East Main Street, McConnelsville, OH; 3-22-72.

Central Park Super Market, foodstore; 5728 Avenue O, Birmingham, AL; 3-22-72.

Christine G. Phillips, agriculture; Route 2, Lynchburg, SC; 3-29-72.

Columbia Shopping Center, foodstore; 1200 West Columbia, Evansville, IN; 3-21-72.

Doo Drop Inn, Inc., restaurant; 2410 Henry Street, Muskegon, MI; 4-6-72.

Edward Phillips, agriculture; Route 2, Lynchburg, SC; 3-29-72.

Erspamer Super Market, foodstore; No. 521, Hurley, Wis.; 4-15-72.

Feisenthal's Department Store, variety-department store; Brownsville, Tenn.; 3-23-72.

Fleishman Co., variety-department store; 115 South Main Street, Anderson, SC; 4-5-71 to 3-31-72.

Food & Drug Mart, Inc., foodstore; 1423 East Stadium Boulevard, Ann Arbor, MI; 3-23-72.

Food Giant Super Markets, Inc., foodstores, 3-27-71 to 2-28-72; No. 9, Sierra Vista, Ariz.; No. 4, Tucson, Ariz.

Foote's Grocery, Inc., foodstore; 111 North Mulberry, Hamburg, AR; 3-17-72.

Frankenmuth Bavarian Inn, restaurant; 713 South Main Street, Frankenmuth, MI; 3-28-72.

Gay Dolphin, Inc., gift shop; 910 North Ocean Boulevard, Myrtle Beach, SC; 3-15-72.

George F. Kramer, Co., Inc., variety-department store; 323 First Avenue West, Grand Rapids, MN; 4-2-72.

Goldblatt Bros., Inc., variety-department store; 2430 North Harlem Avenue, Elmwood Park, IL; 3-27-72.

Goudchaux's, Inc., variety-department store; 1500 Main Street, Baton Rouge, LA; 4-2-72.

W. T. Grant Co., variety-department store; No. 522, Webster, Mass.; 3-20-72.

Grebe's Bakeries, Inc., foodstore; 601 West Mitchell Street, Milwaukee, WI; 4-12-72.

H & J Food Basket, foodstores, 3-23-72: Nos. 11 and 12, Artesia, N. Mex.; No. 13, Lularosa, N. Mex.

Haag & Haag, Inc., foodstore; Chatom, Ala.; 3-15-72.

Harry From's, Inc., apparel store; 101 West Main Street, Union, SC; 3-28-72.

Headspring Farm, agriculture; Newberry, S.C.; 3-19-71 to 1-31-72.

Hekkema Brothers, agriculture; 1131 Cadillac Drive, Muskegon, MI; 4-16-72.

Host International, Inc., restaurant; Beckley, W. Va.; 4-2-72.

Howard Counts Grocery, Inc., foodstore; 231 Bradford Drive, Charlotte, NC; 4-8-72.

T. D. Hubbard Co., foodstore; 111 Victoria Street, Kenedy, TX; 3-21-72.

Jenny Lee Bakery, foodstore; Ingram and Foster Avenues, Pittsburgh, PA; 3-26-72.

Jim's Super Market, foodstore; 208 State Street, Oscoda, MI; 4-14-72.

Jitney Jungle, foodstore; 108 South Main Avenue, Magee, MS; 3-30-72.

Joe's Food Market, foodstore; Main Street, Springfield, Ky.; 3-26-72.

Jordan's Market, foodstore; 3044 Isleta Boulevard SW., Albuquerque, NM; 3-25-72.

Kalida IGA, foodstore; Corner West and Fourth Street, Kalida, OH, 3-21-72.

Kaufman's, apparel store; 1040 Main Street, Wheeling, WV; 3-31-72.

Kilroy's, apparel store; 119 West Broadway, Farmington, NM; 4-14-72.

Kramer's Department Store, Inc., variety-department store; 121 West Main Street, Wallace, NC; 3-22-72.

Kuhn Bros. Co., Inc., variety-department stores, 4-18-72: 129 Main Street, Dickson, TN; 109 South Elk Street, Fayetteville, TN; Natchez Trace Drive, Lexington, TN; 4816 Charlotte Road, Nashville, TN.

Larkin Bros., variety-department store; Public Square, Loogootee, Ind.; 4-17-72.

League Ranch, agriculture; Benjamin, Tex.; 3-30-72.

Lerner Shops, apparel stores: No. 259, Marion, Ohio, 3-20-72; No. 121, Bluefield, W. Va., 3-24-72.

Luce Pharmacy, drugstore; 218 West Main Street, Flushing, MI; 4-16-72.

Martin's, apparel store; 658 Penn Street, Reading, PA; 3-31-72.

Mattingly's Little Giant Food Store, foodstore; Hardinsburg, Ky.; 3-14-72.

McMacken's Market, Inc., foodstore; Route 311 and Arlington Road, Brookville, OH; 4-8-72.

G. C. Murphy Co., variety-department stores, 3-31-72, except as otherwise indicated: No. 276, Hialeah, Fla. (4-25-72); No. 279, Holly Hill, Fla. (4-25-72); No. 262, Jacksonville, Fla. (4-25-72); No. 264, Miami, Fla. (4-25-72); No. 253, Pensacola, Fla. (4-25-72); No. 272, St. Petersburg, Fla. (4-25-72); No. 274, West Palm Beach, Fla. (4-25-72); No. 243, Moultrie, Ga. (4-25-72); No. 204, Paintsville, Ky.; No. 176, Pikeville, Ky.; No. 220, Hancock, Md. (4-16-72); No. 249, Hickory, N.C. (4-25-72); No. 210, Oakmont, Pa. (4-13-72); Nos. 198 and 241, Alexandria, Va.; No. 214, Arlington, Va.; No. 24, Newport News, Va.; Nos. 142, 208 and 245, Richmond, Va.; No. 132, Beckley, W. Va.; No. 50, Buckhannon, W. Va.; No. 171, Clarksburg, W. Va.; No. 15, Elkins, W. Va.; No. 22, Kayser, W. Va.; No. 42, Montgomery, W. Va.; No. 197, Morgantown, W. Va.; No. 18, Moundsville, W. Va.; No. 168, North Fork, W. Va.; No. 213, Oak Hill, W. Va.; No. 212, Parkersburg, W. Va.; No. 49, Piedmont, W. Va.; No. 62, Point Pleasant, W. Va.; No. 154, Princeton, W. Va.; No. 207, South Charleston, W. Va.; No. 195, Spencer, W. Va.; Nos. 162 and 254, Weirton, W. Va.; No. 21, Weston, W. Va.; No. 33, Wheeling, W. Va.; No. 131, Williamson, W. Va.

Mutzabaugh's Market, Inc., foodstore; Main Street and Bloomfield Road, Duncannon, Pa.; 3-25-72.

Neisner Bros., variety-department store; No. 35, Chicago, Ill.; 4-17-72.

Neumann Food Store, foodstore; 1507 East Juan Linn, Victoria, TX; 3-30-72.

Newman Park Pharmacy, Inc., drugstore; 401 East 103d, Chicago, IL; 4-2-72.

O'Brien Drugs, drugstore; 11856 South Western Avenue, Chicago, IL; 4-2-72.

Piggly Wiggly, foodstores; Centre, Ala., 4-16-72; 501 West Main Street, Hartselle, AL, 4-2-72; 202-204 Southwest Front Street, Walnut Ridge, AR, 3-31-72; 110 North Pine, Vivian, LA, 3-21-72; No. 37, Ridgeland, S.C., 3-24-72; 100-108 Richardson Avenue Summerville, SC, 4-7-72; No. 7, Jackson, Tenn., 3-20-72.

Pittston Hospital, hospital; Pittston, Pa.; 4-5-71 to 4-3-72.

Pleezing Food Store, Inc., foodstore; 1980 North T Street, Pensacola, FL; 4-26-72.

Portland IGA Foodliner, foodstore; 228 Bridge Street, Portland, MI; 4-1-72.

Price-Black Farms, Inc., agriculture; Arrey, N. Mex.; 3-30-72.

Rawlinson's Red & White, Inc., foodstore; Main Street, Greeleyville, SC; 3-21-72.

Russel Lee Sall, agriculture; 12227 68th Avenue, Allendale, MI; 4-9-72.

St. Joseph's Hospital, hospital; 200-210 Michigan Street, Hancock, MI; 3-24-72.

San Rosario Hospital, hospital; 110 Canfield Street, Cambridge Springs, PA; 3-31-72.

Sholar's Thrifty Foods, foodstore; First Avenue Northeast, Cairo, GA; 2-3-71 to 1-31-72.

Silvy's Food Market, foodstore; 1202 West Ponca Avenue, Ponca City, OK; 3-20-72.

Star's Fashion World, apparel store; 15th Street and Greenup Avenue, Ashland, KY; 3-31-72.

Sterling Stores Co., Inc., variety-department store; 417 Cherry Street, Helena, AR; 3-26-72.

Sterns Inc., variety-department store; Madison Avenue and Water Street, Skowhegan, ME; 4-8-72.

Sumter Dry Goods Co., variety-department store; 1 South Main Street, Sumter, SC; 2-26-71 to 2-23-72.

Sunset Home of the United Methodist Church, nursing home; 418 Washington, Quincy, IL; 3-21-72.

T. G. & Y. Stores Co., variety-department stores: No. 190, Scottsdale, Ariz., 4-17-71 to 3-31-72; No. 9206, Nashville, Ark., 4-5-72; No. 73, Oklahoma City, Okla., 4-6-72; No. 41, Tulsa, Okla., 4-16-72; No. 227, Port Arthur, Tex., 3-30-72.

Tautfest Hardware and Appliance and Furniture, hardware store; 102 West Main, Weatherford, OK; 3-25-72.

Taylor Pharmacy, drugstore; 2044 South Richey, Pasadena, TX; 3-23-72.

The Thrift Store, foodstore; 12 Park Street, Headland, AL; 4-16-72.

Tradewell Supermarket, foodstore; 1215 16th Street, Huntington, WV; 4-2-72.

Tyler Brothers, variety-department store; Wagener, S.C.; 3-26-72.

Valian's, Inc., restaurant; 6935 South Main, Houston, TX; 3-24-72.

Vic Bernacchi & Sons Inc., agriculture; 2429 South Monroe Street, La Porte, IN; 3-25-72.

P. E. Ward & Co., furniture store; Union Square, Dover-Foxcroft, Maine; 4-6-72.

J. Watercott & Co., variety-department store; 500 Edward Street, Henry, IL; 3-27-72.

Weesies Bros. Farms, Inc., agriculture; 10126 Walsh Road, Montague, MI; 3-26-72.

Wood's 5 & 10¢ Stores, Inc., variety-department store; Laurinburg, N.C.; 3-31-72.

Woody's Super Market, foodstore; 104 Main Street, Wolfe City, TX; 3-28-72.

Zimmerman's Department Store, variety-department store; 110 North Main Street, Salisbury, NC; 4-8-72.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Arnold's Food Market, Inc., foodstore; 14 North Baltimore Avenue, Mount Holly Springs, PA; bagger; 6 to 8 percent; 4-12-72.

Aurelia Clover Farm, foodstore; Aurelia, Iowa; carryout; 10 percent; 3-31-72.

Autry Greer & Sons, Inc., foodstore; 911 South Wilson Avenue, Pritchard, AL; bagger; 11 to 13 percent; 4-2-72.

Ben Franklin Store, variety-department stores, for the occupations of salesclerk, stock clerk, cashier, except as otherwise indicated: No. 1134, Clinton, Ill., 9 to 15 percent, 3-7-72; 2004 Western Avenue, Mattoon, IL, 7 to 15 percent, 3-31-72; 6955 Tomahawk Road, Prairie Village, KS, 22 to 30 percent, 3-21-72 (salesclerk, stock clerk, office clerk); No. 0375, Marysville, Mich., 9 to 40 percent, 3-31-72 (salesclerk, cashier, janitorial, stock clerk); Peachtree Plaza Shopping Center, Greer, S.C., 10 to 45 percent, 3-31-72 (salesclerk, stock clerk); 830 East Geneva Street, Delavan, WI, 9 to 30 percent, 3-7-72.

Bergemann's Market, foodstore; 804 North Spring Street, Beaver Dam, WI; carryout; 17 to 23 percent; 4-14-72.

Big K Discount Department Store, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 11 to 59 percent, 4-18-72, except as otherwise indicated: Fort Campbell Boulevard, Hopkinsville, Ky.; South Plaza Highway 41 South, Madisonville, Ky.; Blair Shopping Center, Murray, Ky. (1 to 18 percent, 4-15-72).

Big Star, foodstores: Monticello, Ky., stock clerk, carryout, 23 to 41 percent, 4-12-72; 4708 Millbranch, Memphis, TN, sacker, carryout, bottle sorter, 16 to 20 percent, 3-22-72.

Bill Crook's Food Town, foodstore; No. 2, Old Hickory, Tenn.; stock clerk, sacker; 10 to 11 percent; 3-31-72.

Bob's Super Valu, foodstore; Cambridge, Minn.; salesclerk, stock clerk, carryout, meat-wrapper; 20 to 30 percent; 3-7-72.

Brookshire Brothers, foodstore; No. 15, Lufkin, Tex.; stock clerk, carryout, sacker; 11 to 16 percent; 2-29-72.

Bryn Mawr Home, Inc., nursing home; 275 Penn Avenue North, Minneapolis, MN; nurse's aide, kitchen tray helper; 6 to 15 percent; 3-24-72.

Buehler Market, foodstore; 1553 Gordon Street SW., Atlanta, GA; checker, carryout, stock clerk; 8 to 11 percent; 4-26-72.

Burger Chef, restaurants, for the occupation of general restaurant worker, 30 to 60 percent, 3-17-72, except as otherwise indicated: 521-109 By Pass, Anderson, IN. (27 to 30 percent, 3-21-72); 7640 South Anthony Boulevard, Fort Wayne, IN. (27 to 35 percent, 3-21-72); 510 East Wooster Street, Bowling Green, OH; 600 East State Street, Fremont, OH; 196 Milan Avenue, Norwalk, OH.

Byron's Market, foodstore; Cabool, Mo.; stock clerk, bagger, 20 percent; 4-14-72.

C & L Markets, Inc., foodstore; 400 East Division, Rockford, MI; carryout, stock clerk; 15 to 27 percent; 4-15-72.

Cabell's Minit Market, foodstore; 1313 Church Street, McKenney, TX; stock clerk, sacker, unloader, janitorial; 16 to 27 percent; 2-29-72.

Cambridge Nursing Centre, nursing homes, for the occupation of nurse's aide, 0 to 5 percent, 4-18-72: 31155 Dequindre Road, Madison, MI; 18633 Beech Daly Road, Redford Township, MI.

Carlisle A. Smith, agriculture; Route 1, Olanta, S.C.; harvest labor; 0 to 30 percent; 2-21-72.

Carter's IGA Foodliner, foodstore; 138 South Washington, Charlotte, MI; carryout, bagger, stock clerk, checker; 10 percent; 4-1-72.

Cooper's, apparel stores: 79 Winrock Center, Albuquerque, NM, salesclerk, gift wrapper, 5 to 15 percent, 3-23-72; 54 East San Francisco Street, Santa, Fe, NM, salesclerk, stock clerk, office clerk, gift wrapper, 5 to 18 percent; 4-13-72.

Dad and Lad Tog Shop, apparel store; 41 South La Grange Road, La Grange, IL; salesclerk, stock clerk; 1 to 5 percent; 2-29-72.

Dee's Food Market, foodstore; 522 West Milam, Wharton, TX; stock clerk, sacker, carryout; 10 percent; 4-11-72.

Derryberry Drug Co., Inc., drugstore; 115 West Seventh Street, Columbia, TN; salesclerk, stock clerk, office clerk; 10 percent; 3-24-72.

Des Moines Catering Co., restaurant; 1024 Walnut Street, Des Moines, IA; salesclerk, 8 to 25 percent; 4-20-72.

The Dillion Co., Inc., foodstore; No. 53, Salina, Kans.; cashier, checker, clerk, carryout, maintenance, wrapper; 20 to 45 percent; 3-31-72.

Duckwall Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, 3-30-72: No. 57, Albuquerque, N. Mex., 2 to 15 percent, (4-1-71 to 3-30-72); No. 89, Albuquerque, N. Mex., 2 to 48 percent; No. 85, Clovis, N. Mex., 3 to 20 percent.

Durand IGA, foodstore; 219 North Saginaw, Durand, MI; carryout, bagger, checker, stock clerk; 10 percent; 4-1-72.

Eagle Stores Co., Inc., variety-department store; 2813-17 Greenmount Avenue, Baltimore, MD; salesclerk; 7 to 14 percent; 3-31-72.

Eaton Rapids IGA, foodstore; 121 West Hamlin, Eaton Rapids, MI; carryout, bagger, stock clerk, checker, office clerk; 10 percent; 4-1-72.

Edge of the Ledge IGA Foodliner, foodstore; 512 South Clinton, Grand Ledge, MI; carryout, bagger, checker, stock clerk; 10 percent; 4-1-72.

El Rancho Markets, foodstores, for the occupations of box clerk, courtesy clerk, 21 to 25 percent, 3-31-72, except as otherwise indicated: 1760 East Santa Fe Avenue, Flagstaff, AZ; 5121 West Glendale Boulevard, Glendale, AZ (18 to 28 percent); 1422 East Main, Mesa, AZ (25 to 32 percent); 1018 West Main, Mesa, AZ (25 to 32 percent); 3921 East Indian School Road, Phoenix, AZ; 4430 East McDowell Road, Phoenix, AZ; 5017 North Central Avenue, Phoenix, AZ; 5718 North 15th Avenue, Phoenix, AZ; 3115 North Third Avenue, Phoenix, AZ; 7830 North 12th Street, Phoenix, AZ; 6018 South Central Avenue, Phoenix, AZ; 3442 West Van Buren, Phoenix, AZ; 326 West Indian School Road, Scottsdale, AZ (31 to 41 percent); 929 Mill Avenue, Tempe, AZ (22 to 28 percent); 3607 East Broadway, Tucson, AZ (14 to 28 percent); 1930 East Grant Road, Tucson, AZ (14 to 28 percent); 3360 East Speedway, Tucson, AZ (14 to 28 percent); 6321 East 22d Street, Tucson, AZ (14 to 28 percent); 367 West 16th Street, Yuma, AZ (12 to 25 percent).

Farm and City Market, foodstore; 700 South Main, El Dorado, KS; carryout, stock clerk; 10 to 18 percent; 4-14-72.

Farmers Exchange, Inc., foodstore; 816 West Fourth Street, Oswego, KS; stock clerk, sacker; 12 to 21 percent; 2-29-72.

Food Giant Super Markets, Inc., foodstores, for the occupation of carryout, 16 to 24 percent, 3-27-71 to 2-28-72, except as otherwise indicated: Nos. 6 and 8, Tucson, Ariz.; No. 7, Tucson, Ariz. (17 to 26 percent).

Food Town Store, foodstore; No. 7, Oneonta, Ala.; bagger; 22 to 41 percent; 3-21-72.

Funhouse Pizza & Pub, restaurant; 50 Highway and O'Brien Road, Lee's Summit, MO; general restaurant worker; 23 to 27 percent; 4-14-72.

Gee Bee, variety-department stores, for the occupations of stock clerk, salesclerk, cashier, wrapper, 0.2 to 3 percent; 3-26-72, except as otherwise indicated: Route 30, Greensburg, Pa.; Route 56, Johnstown, Pa.; Route 19, Washington, Pa. (0.2 to 4 percent, 4-5-72).

Goldblatt Bros., Inc., variety-department store; McArthur and Outer Park Drive, Springfield, IL; salesclerk, stock clerk, office clerk, janitorial; 2 to 5 percent; 4-2-72.

W. T. Grant Co., variety-department stores, for the occupations of salesclerk, office clerk, cashier, stock clerk, 3-31-72, except as otherwise indicated: No. 175, Kalamazoo, Mich., 3 to 22 percent (4-10-72); No. 1218, Medina, Ohio, 2 to 15 percent; No. 1022, Bloomsburg, Pa., 11 to 36 percent (salesclerk, stock clerk).

H. E. B. Food Store, foodstores, for the occupations of bottle clerk, package clerk, sacker, 10 percent, 3-14-72, except as otherwise indicated: No. 39, Austin, Tex.; No. 98, Brenham, Tex. (4-8-72); No. 104, Marlin, Tex.; No. 124, Pleasanton, Tex.; Nos. 61 and 125, San Antonio, Tex.

Haffner's 5¢ to $1.00 Stores, variety-department stores; No. 52, Kendallville, Ind.; salesclerk, stock clerk; 9 to 20 percent; 3-30-72.

Handy-Andy, Inc., foodstores, for the occupations of package clerk, stock clerk, checker, office cashier, salesclerk, produce clerk, bottle clerk, porter: No. 6, San Antonio, Tex., 23 to 31 percent, 3-9-72; No. 30, San Antonio, Tex., 24 to 33 percent, 4-7-72.

Harry's-U-Mark, foodstore; 141 North Main, Kaysville, UT; checker, stock clerk, bagger, office clerk; 36 to 54 percent; 3-31-72.

Hogen's Hardware, hardware store; Kadoka, S. Dak.; salesclerk, stock clerk, janitorial; 9 to 20 percent; 2-29-72.

Holiday Manor, Inc., nursing home; 1615 Parker, Osawatomie, KS; nurse's aide; 7 to 27 percent; 3-21-72.

Holland House Restaurant, restaurant; 1935 Lahoma Road, Enid, OK; busboy (girl), dishwasher; 8 to 44 percent; 2-29-72.

King Drug, Inc., drugstore; 101 Lewisville Center, Lewisville, TX; salesclerk; 10 to 23 percent; 3-24-72.

King's Food Host, U.S.A., restaurants, for the occupation of general restaurant worker, 31 to 58 percent, 3-31-72: 1503 West 23d Street, Lawrence, KS; 1011 West Loop Place, Manhattan, KS; 7420 Metcalf Avenue, Overland Park, KS; 525 West 21st Street, Topeka,

KS; 2522 Johnson Drive, Westwood, KS; 309 Business Loop 70 East, Columbia, MO; 710 Missouri Boulevard, Jefferson City, MO; 1418 East 63d Street, Kansas City, MO; 9816 East Highway 50, Raytown, MO.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, checker, 11 to 22 percent, except as otherwise indicated: No. 4292, Hialeah, Fla., 4–28–72 (salesclerk, checker-cashier, stock clerk, office clerk, customer service, maintenance, 7 to 10 percent); No. 4296, Hollywood, Fla., 3–24–72 (checker-cashier, salesclerk, stock clerk, customer service, office clerk, maintenance, 7 to 10 percent); No. 4243, Oakland Park, Fla., 5–1–72 (salesclerk, 1 to 12 percent); No. 4122, Pensacola, Fla., 3–21–72 (salesclerk, 1 to 10 percent); No. 4198, Columbus, Ga., 4–2–72 (salesclerk, cashier); No. 4154, North Aurora, Ill., 3–27–72 (salesclerk, stock clerk, checker-cashier, office clerk, 5 to 10 percent); No. 4183, Woodhaven, Mich., 3–14–72 (stock clerk, maintenance, office clerk, food preparation, salesclerk, cashier, customer service, counter filling, 10 percent); No. 4318, Burlington, N.C., 4–7–71 to 3–8–72; No. 4372, Rocky Mountain, N.C., 2–21–72; No. 4414, Akron, Ohio, 2–29–72 (salesclerk, cashier, office clerk, stock clerk, food preparation, counter filling, maintenance, customer service, 2 to 7 percent); No. 4319, Columbia, S.C., 3–31–72.

Kuhn's Variety Store, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 4 to 20 percent, 4–18–72, except as otherwise indicated: Main and Third Street, Russellville, KY (0 to 19 percent); 522 Main Street, Shelbyville, KY (11 to 59 percent); Gallatin Plaza Shopping Center, Gallatin, Tenn. (11 to 21 percent); 110 West Broadway, Lenoir City, TN; Harding Road, Nashville, Tenn. (11 to 21 percent); 210–214 Cedar Avenue, South Pittsburg, TN.

The Lamplighter Restaurant, restaurant; Delmont, Pa.; general restaurant worker; 15 to 35 percent; 2–24–72.

Lee County Farms, agriculture; Mayesville, S.C.; farm laborer; 0 to 20 percent; 3–31–72.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, 9 to 16 percent, 4–11–72, except as otherwise indicated: No. 35, Birmingham, Ala. (salesclerk, stock clerk, office clerk, cashier, credit clerk, 2 to 16 percent, 4–18–72); No. 189, Huntsville, Ala. (salesclerk, stock clerk, office clerk, cashier, credit clerk, 2 to 21 percent, 4–18–72); No. 93, Montgomery, Ala. (salesclerk, stock clerk, office clerk, cashier, credit clerk, 10 to 17 percent, 4–18–72); No. 333, Montgomery, Ala. (10 to 17 percent, 3–29–72); No. 467, Tucson, Ariz. (15 percent, 3–29–71 to 2–28–72); No. 65, Clearwater, Fla. (1 to 32 percent); No. 143, Fort Lauderdale, Fla. (13 to 21 percent); No. 185, Fort Lauderdale, Fla. (13 to 27 percent); No. 191, Fort Myers, Fla. (10 to 32 percent, 3–18–71 to 3–16–72); No. 184, Hollywood, Fla. (9 to 19 percent); Nos. 90 and 144, Jacksonville, Fla.; Nos. 97 and 194, Jacksonville, Fla. (4–18–72); No. 142, Lakeland, Fla. (8 to 28 percent, 4–18–72); No. 60, Miami, Fla (2 to 14 percent, 4–18–72); No. 91, Miami, Fla. (3 to 14 percent, 4–18–72); No. 147, Ocala, Fla. (1 to 25 percent, 4–18–72); Nos. 122 and 181, Orlando, Fla. (10 to 24 percent, 4–18–72); Nos. 45 and 108, St. Petersburg, Fla. (4 to 18 percent); No. 198, St. Petersburg, Fla. (4 to 18 percent, 4–23–72); No. 44, Tallahassee, Fla. (7 to 24 percent); Nos. 95 and 141, West Palm Beach, Fla. (9 to 19 percent); No. 88, Augusta, Ga. (8 to 20 percent, 4–18–72); No. 128, Macón, Ga. (8 to 19 percent, 4–18–72); No. 340, Savannah, Ga. (1 to 23 percent, 3–31–72); Nos. 271 and 273, Indianapolis, Ind. (6 to 17 percent); No. 242, Lexington, Ky. (2 to 12 percent, 4–18–72); No. 332, Lafayette, La. (2 to 20 percent, 3–17–71 to 3–2–72); No. 67, Gulfport, Miss. (salesclerk, stock clerk, office clerk, cashier, credit clerk, 5 to 21 percent, 4–18–72); Nos. 420, 451, and 468, Albuquerque, N. Mex. (4 to 27 percent, 4–18–72); No. 303, Columbus, Ohio salesclerk, stock clerk, office clerk, 3 to 10 percent, 3–20–72); No. 36, Oklahoma City, Okla. (1 to 12 percent); No. 85, Reading, Pa. (4 to 24 percent); No. 116, Charleston, S.C. (2 to 20 percent); No. 96, Greenville, S.C. (6 to 20 percent); No. 257, Bristol, Tenn. (3 to 30 percent, 3–24–72); No. 186, Chattanooga, Tenn. (1 to 16 percent); No. 120, Newport News, Va. (11 to 20 percent); No. 32, Portsmouth, Va. (0 to 6 percent); No. 94, Huntington, W. Va. (0 to 26 percent); No. 138, Wheeling, W. Va. (0 to 26 percent, 3–24–72).

Litwin's, apparel store; 619–621 Commercial, Atchison, KS; pricing clerk, customer service, stock clerk, wrapper, errand clerk; 12 to 22 percent; 4–18–72.

Loupe's Red & White Store, foodstore; 135 North Jefferson, Port Allen, LA; cashier, meat clerk, stock clerk; 42 to 49 percent; 3–26–72.

Low Cost Discount Mart, foodstores, for the occupations of box clerk, courtesy clerk, 21 to 25 percent, 3–31–72, except as otherwise indicated: 2717 East Thomas Road, Phoenix, AZ; 6025 North 27th Avenue, Phoenix, AZ; 5326 West Indian School Road, Phoenix, AZ; 5560 East Broadway, Tucson, AZ (14 to 28 percent).

Magic Mart-Ashley, Inc., department store; 101–108 Main Street, Crossett, AR; salesclerk, stock clerk, janitorial; 16 to 41 percent; 3–31–72.

Mal's Supermarket, foodstore; Bostic, N.C.; stock clerk, bagger; 6 to 22 percent; 3–14–72.

Massey's Food Mart, foodstore; 1327 North Dallas Avenue, Lancaster, TX; salesclerk, stock clerk, checker, carryout; 17 to 29 percent; 2–23–72.

Mayesville Farms, Inc., agriculture; Mayesville, S.C.; farm laborer; 0 to 20 percent; 3–31–72.

McCrory-McClellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 3–23–72, except as otherwise indicated: No. 368, Ormond Beach, Fla., 3 to 22 percent; No. 384, Sanford, Fla., 6 to 30 percent; No. 266, West Palm Beach, Fla., 0 to 19 percent (salesclerk, stock clerk, office clerk, porter, 3–20–72); No. 121, Chestertown, Md., 13 to 27 percent (salesclerk, office clerk, stock clerk, janitorial, 4–14–72); No. 242, Springfield, Mass., 7 to 15 percent (4–8–72); No. 378, Camden, N.J., 14 to 29 percent (3–21–72); No. 352, Toms River, N.J., 14 to 29 percent (3–31–72); No. 248, Albuquerque, N. Mex., 4 to 27 percent (salesclerk, stock clerk, office clerk, porter, 4–9–72); No. 268, Kinston, N.C., 0.3 to 24 percent; No. 399, Lima, Ohio, 6 to 20 percent (4–9–72); No. 99, Homestead, Pa., 12 to 33 percent (4–17–72); No. 110, Huntingdon, Pa., 2 to 16 percent (4–10–72); No. 206, Westerly, R.I., 7 to 28 percent (4–8–72).

McDonald's Hamburgers, restaurants, for the occupation of general restaurant worker: 7705 East 87th Street, Kansas City, MO, 31 to 58 percent, 4–14–72; 540 Beall Avenue, Wooster, OH, 10 to 25 percent, 3–14–72.

Miller's Foodtown, foodstore; 38 East Center, Moab, UT; cashier, stock clerk, carryout, bagger, delivery clerk; 15 to 38 percent; 3–31–72.

Morris Field & Co., variety-department store; 13146 Wicker Avenue, Cedar Lake, IN; salesclerk, stock clerk; 11 to 20 percent; 3–31–72.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, janitorial, 9 to 16 percent, 3–31–72, except as otherwise indicated: No. 96, Jasper, Ala. (10 to 22 percent, 4–14–72); No. 289, Gainesville, Fla. (9 to 27 percent, 4–25–72); No. 284, Orlando, Fla. (3 to 24 percent, 4–25–72); No. 287, Panama City, Fla. (12 to 25 percent, 4–25–72); No. 292, Pensacola, Fla. (12 to 25 percent, 4–25–72); No. 290, West Hollywood, Fla. (10 to 17 percent, 4–25–72); No. 311, Altoona, Pa. (4 to 22 percent, 3–21–72); No. 321, Belle Vernon, Pa. (salesclerk, stock clerk, janitorial, 3 to 22 percent, 4–14–72); No. 295, Chattanooga, Tenn. (5 to 13 percent); No. 299, Nashville, Tenn. (5 to 13 percent); No. 316, San Antonio, Tex. (10 to 28 percent, 4–14–71); No. 308, Culpeper, Va.; No. 107, Danville, Va.; No. 278, Lynchburg, Va.; No. 63, Manassas, Va.; No. 156, Woodbridge, Va. (13 to 23 percent).

Nathan's Jewelers, jewelry store; 309 Center Avenue, Brownwood, Tex.; salesclerk, gift wrapper; 7 to 27 percent; 4–7–72.

Neisner Brothers, Inc., variety-department stores: No. 44, Miramar, Fla., salesclerk, stock clerk, office clerk, 24 to 48 percent, 4–23–72; No. 203, Tampa, Fla., salesclerk, stock clerk, office clerk, maintenance, 10 to 29 percent, 4–22–72.

Newman Pharmacy, Inc., drugstore; 14200 Chicago Road, Dolton, IL; stock clerk, clerk cashier, delivery and records; 19 to 25 percent; 4–2–72.

North Branch IGA, foodstore; 3820 Huron Street, North Branch, MI; carryout, stock clerk; 10 percent; 3–31–72.

North Plaza Shop Rite, foodstore; 1307 North Center Street, Beaver Dam, WI; carryout; 17 to 23 percent; 4–15–72.

Oak Plaza Pharmacy, drugstore; 1220 North Garland Street, Fayetteville, AR; salesclerk, stock clerk, delivery clerk; 15 percent; 2–21–72.

Owenby's Food Mart, foodstore; Marion, N.C.; stock clerk, bagger; 20 percent; 3–14–72.

Pak-A-Sak Food Stores, foodstore; No. 4, Morehead City, N.C.; carryout, bagger; 9 to 10 percent; 3–14–72.

Parkview Nursing Home, Inc., nursing home; 309 Washington, Ortonville, MN; dishwasher, nurse's aide; 3 to 11 percent; 1–31–72.

Parkway Super Market, Inc., foodstore; 111 Pfaff Street, St. Albans, WV; carryout, stock clerk; 0 to 19 percent; 3–25–72.

Payne's Furniture & Appliance, Inc., variety-department store; Caddo Mills, Tex.; stock clerk, delivery helper; 5 to 21 percent; 4–15–72.

Peterson Drug, Inc., drugstore; Moose Lake, Minn.; stock clerk, salesclerk, office clerk, janitorial; 34 to 67 percent; 4–1–72.

Piggly Wiggly, foodstores, for the occupations of stock clerk, checker, sacker, clerk, 18 percent, 3–21–72, except as otherwise indicated: No. 24, Arkadelphia, Ark.; Nos. 15 and 16, Hot Springs, Ark.; No. 3, Columbus, Ga. (stock clerk, bottle clerk, janitorial, 10 to 18 percent); Nos. 1 and 2, Minden, La.; No. 38, Barnwell, S.C. (package clerk, checker, market clerk, 3–23–72); Sixth and Jefferson Streets, Sturgeon Bay, WI (carryout, sacker, 36 to 56 percent, 3–29–72).

Randall's Food Market, Inc., foodstores, for the occupations of stock clerk, carryout, 28 percent, 3–22–72, except as otherwise indicated: Nos. 1 and 2, Houston, Tex.; No. 1, Houston, Tex. (3–26–72).

Ridgecrest Pharmacy Inc., drugstore; 2328 Rochelle, Irving, Tex.; salesclerk; 10 to 22 percent; 3–31–72.

Rose's Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, checker, 13 to 32 percent, 2–29–72, except as otherwise indicated: No. 197, Chickasaw, Ala.; No. 191, Tarpon Springs, Fla.; No. 99, Moultrie, Ga. (stock clerk, salesclerk, checker, window trimmer, merchandise marker, order writer); No. 199, Seneca, S.C. (salesclerk, 11 to 34 percent).

S & B Enterprises, Inc., restaurant; 1912 Oak Harbor Road, Fremont, OH; general restaurant worker; 30 to 60 percent; 3–17–72.

Sav Way Cee Bee, foodstore; Highway 79 North, Carthage, Tenn.; salesclerk, stock clerk, sacker, carryout; 5 to 18 percent; 3–7–72.

Escape Ore Farms, Inc., agriculture; Mayesville, S.C.; farm laborer; 0 to 20 percent; 3-31-72.

Schensul's Cafeteria, Inc., restaurant; Eastland Mall, Flint, Mich.; busboy (girl), food preparer, coffee girl (boy), short order cook, counter helper, dishwasher; 49 to 77 percent; 3-31-72.

Scott Stores Co., variety-department store; 22130 West Outer Drive, Allen Park, MI; salesclerk, stock clerk, check out; 5 to 19 percent; 3-14-72.

Shakertown Inc., restaurant; Route 4, Harrodsburg, Ky; general restaurant worker; 15 to 20 percent; 4-18-72.

Sheatzley's IGA Foodliner, foodstore; 198 Main Street, Amelia, OH; cashier, stock clerk, bagger, cleanup; 14 to 29 percent; 4-3-72.

Sinbro's, variety-department store; 105 South Center Street, Thomaston, GA; salesclerk, 5 to 7 percent; 3-26-72.

O. P. Skaggs, foodstore; 28 South Main, Preston, ID; stock clerk, carryout, bagger, janitorial; 8 to 40 percent; 3-9-72.

Sohmer Food Market, foodstore; 200 Bellefonte Avenue, Lock Haven, PA; stock clerk, carryout, sacker, janitorial; 11 to 25 percent; 3-23-72.

The Sophers, Inc., apparel store; 11-13 South Third Street, Oxford, PA; stock clerk janitorial; 9 to 20 percent; 3-31-72.

Spies Super Value, foodstore; Sixth Street and Breckenridge, Breckenridge MN; checker, cleanup, stock clerk, carryout, wrapper; 18 to 22 percent; 4-10-72.

Spurgeon's, variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, marking clerk, receiving clerk; 124 South Banker Street, Effingham, IL, 8 to 15 percent, 4-14-72; Market Place Shopping Center, McHenry, IL, 12 to 20 percent, 4-13-72.

Stafford's Shopping Center, Inc., foodstore; 1509 Chatsworth Road, Dalton, GA; bagger, carryout; 35 percent; 4-21-72.

Sullivan Food Service, Inc., restaurant; 3235 Gratiot, Saginaw, MI; busboy (girl), counter and salad worker, kitchen helper; 20 percent; 3-31-72.

Sunflower Food Store, foodstore; No. 88, Rolling Fork, Miss.; bagger, stock clerk, checker, produce clerk, frozen food clerk; 13 to 23 percent; 3-8-72.

Super Drive-Ins, foodstores, for the occupations of sacker, bottle clerk: No. 4, Clarksville, Tenn., 8 to 20 percent, 3-31-72; No. 6, Hermitage, Tenn., 21 to 32 percent, 4-14-72.

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 30 percent, 3-31-72, except as otherwise indicated: No. 186, Phoenix, Ariz. (16 to 30 percent); Nos. 193, 194 and 195, Phoenix, Ariz. (26 to 30 percent, 4-17-71 to 3-31-72); No. 2102, Russellville, Ark. (11 to 30 percent, 4-12-72); No. 712, Texarkana, Ark. (11 to 34 percent, 4-12-72); No. 509, Sepulveda, Calif. (20 to 30 percent, 4-9-71 to 3-31-72); No. 737, Eau Gallie, Fla. (13 to 30 percent); No. 795, Gonzales, La. (6 to 22 percent, 4-12-72); No. 745, Sulphur, La. (6 to 22 percent, 3-24-72); No. 198, Albuquerque, N. Mex. (13 to 24 percent, 4-5-72); No. 291, Albuquerque, N. Mex. (14 to 24 percent); No. 4, Duncan, Okla. (15 to 30 percent); No. 431, Oklahoma City, Okla. (18 to 30 percent, 3-23-72); No. 441, Oklahoma City, Okla. (22 to 30 percent, 3-22-72); No. 442, Oklahoma City, Okla. (18 to 30 percent, 3-22-72); No. 1003, Oklahoma City, Okla. (22 to 30 percent, 3-14-72); No. 51, Tulsa, Okla. (24 to 30 percent, 4-12-72); No. 75, Tulsa, Okla. (24 to 30 percent); No. 1006, Tulsa, Okla. (24 to 30 percent, 4-1-72); No. 1700, Charleston, S.C. (18 to 30 percent, 4-8-72); No. 338, Memphis, Tenn. (14 to 30 percent, 4-14-72); No. 276, Amarillo, Tex. (13 to 30 percent, 4-12-72); No. 429, Amarillo, Tex. (14 to 30 percent, 4-1-72); No. 244, Baytown, Tex. (4-12-72); No. 394, Baytown, Tex. (4-11-72); No. 837, Garland, Tex.; No. 383, Houston, Tex. (4-11-72); No. 279, Odessa, Tex. (7 to 21 percent); No. 397, Palestine, Tex. (2-21-72).

Tower Super Markets, Inc., foodstores; 167 Main Street, Eldred, PA; checker, stock clerk, carryout, office clerk, meat and produce wrapper; 14 to 33 percent; 4-9-71 to 4-5-72.

Towneast Pharmarcy, Inc., drugstore; 120 Towneast Shopping Center, Mesquite, Tex.; salesclerk; 10 to 21 percent; 3-31-72.

Valley Grande Manor, nursing home; 1212 South Bridge Avenue, Weslaco, TX; nurse's aide, dietary aide, housekeeper, office clerk, maintenance; 7 to 8 percent; 2-29-72.

Variety Investments, Inc., variety-department store; 1347 Portage Avenue, South Bend, IN; salesclerk, stock clerk, cashier, janitorial; 13 to 28 percent; 4-18-72.

Walter Foods, Inc., foodstore; 2682 Westerville Road, Columbus, OH; stock clerk, carryout, cashier; 23 to 35 percent; 4-14-72.

Wilson Super Valu, foodstore; Jefferson, Iowa; cashier; cashier, stock clerk, carryout, sacker; 30 to 46 percent; 3-31-72.

Wood's 5 & 10¢ Stores, Inc., variety-department store; Siler City, N.C.; salesclerk, cash register operator, stock clerk; 9 to 34 percent; 4-13-72.

Woody's Super Market, foodstores, for the occupations of stock clerk, sacker, unloader, janitorial, 16 to 27 percent, 2-29-72; 6305 South Wesley Street, Greenville, TX; 1700 Stonewall, Greenville, Tex.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or consideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 22d day of June 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-9295 Filed 6-30-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 52]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 25, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will elminate any restrictions which are not acceptable to the Commission.

No. MC 151 (Sub-No. 46), filed June 7, 1971. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Avenue,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Terre Haute, IN 47807. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, MO 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk, in tank vehicles), from Champaign, Ill., to points in Indiana, Missouri, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 531 (Sub-No. 272), filed June 1, 1971. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy and fruit juice concentrates*, in bulk, in tank vehicles, from Fresno and Selma, Calif., to Patrick, S.C., and Petersburg, Va. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 531 (Sub-No. 273), filed June 1, 1971. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in California. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 1222 (Sub-No. 37), filed June 3, 1971. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, OH 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk, in tahk vehicles), from Champaign, Ill., to points in Kentucky, West Virginia, and those in Ohio on and south of U.S. Highway 40. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19945 (Sub-No. 32) (Correction), filed May 21, 1971, published in the FEDERAL REGISTER issue of June 4, 1971, and republished in part as corrected this issue. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. NOTE: The sole purpose of this partial republication is to reflect the correct Docket Number as MC 19945 (Sub-No. 32) in lieu of MC 119945 (Sub-No. 32) as was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 25798 (Sub-No. 225), filed June 3, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Iowa, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 29910 (Sub-No. 102), filed May 26, 1971. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper or Don A. Smith, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from the plantsites and warehouse facilities of International Paper Co. at Springhill, La., and Bastrop, La., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority at points in Illinois, Indiana, and Ohio, to provide a through service to points in Missouri, Iowa, Wisconsin, New York, and Pennsylvania. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 29929 (Sub-No. 7), filed June 1, 1971. Applicant: CANNY TRUCKING CO., INC., 6–14 Spring Forrest Avenue, Binghamton, NY. Applicant's representative: Donald C. Carmien, 500 O'Neill Building, Binghamton, N.Y. 13901. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressors, pumps, blowers, condensers, drilling equipment, pneumatic tools, heat exchangers, air coolers, mining equipment, machinery, and parts, attachments, advertising matter, and accessories* for the above, castings, forgings, *returned or rejected materials, office supplies, and materials* used in manufacturing of Ingersoll-Rand products, and maintenance items, between plantsites of the Ingersoll-Rand Co. at Piscataway, Phillipsburg, West Caldwell, and South Plainfield, N.J.; Easton and Allentown, Pa., on the one hand, and, on the other, terminal facilities of Canny Trucking Co., Inc., within the New York City commercial zone, restricted to prior or subsequent movement in foreign commerce only. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City or Binghamton, N.Y.

No. MC 41404 (Sub-No. 99), filed June 2, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk, in tank vehicles), from Champaign, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41915 (Sub-No. 35), filed June 7, 1971. Applicant: MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, York, PA. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, vehicle body sealer, and sound-deadening compounds in packages or containers*, except in bulk, from points in Hancock County, W. Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 56679 (Sub-No. 53), filed May 27, 1971. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from Amarillo, Cactus, and Plainview, Tex., to points in Alabama, Florida, Georgia,

North Carolina, South Carolina, and Tennessee; and (2) from Friona, Tex., to points in Alabama, Florida, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Atlanta, Ga.

No. MC 61825 (Sub-No. 40), filed June 2, 1971. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, VA 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, VA 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Martinsville, Va., to points in Minnesota and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82063 (Sub-No. 33), filed June 7, 1971. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, MO 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from White Hall, Ill., to points in Missouri (except St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 95540 (Sub-No. 808), filed May 28, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Denver, Colo., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Denver, Colo.

No. MC 95540 (Sub-No. 809), filed May 28, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from Wrens, Ga., to points in Indiana, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 810), filed June 6, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Bethlehem, Pa., to Omaha, Nebr.; Minneapolis, Minn.; Chicago, Ill.; and Denver, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Philadelphia, Pa., or (2) Washington, D.C.

No. MC 99780 (Sub-No. 17), filed June 1, 1971. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, IL 61604. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, except hides and commodities in bulk, from points in Illinois and Indiana, on the one hand, and, on the other, the plantsite and storage facilities of the Armour-Dial, Inc., at Fort Madison, Iowa, restricted to the transportation of Armour-Dial, Inc., traffic destined to the above-specified plantsite and/or cold storage facilities and originating in the above-specified States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Springfield, or Peoria, Ill.

No. MC 100666 (Sub-No. 191), filed June 1, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112, and Paul Caplinger, Post Office Box 7666, Shreveport, LA 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing felt or paper*, from Pryor, Okla., to Dallas, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 102295 (Sub-No. 19), filed May 27, 1971. Applicant: GUY HEAVENER, INC., Harleysville, Pa. 19438. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, from points in Bucks County, Pa., to points in Connecticut, Ohio, Virginia, West Virginia, and those in New Jersey north of Highway 33 (except points in Mercer County); and (2) *stone*, from points in Luzerne County, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, Ohio, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 103051 (Sub-No. 241), filed June 2, 1971. Applicant: FLEET TRANSPORT COMPANY, INC., 934, 44th Avenue North, Post Office Box 7645, Nashville, TN 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Hilton, Early County, Ga., to points in Alabama and Florida. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103498 (Sub-No. 21), filed June 3, 1971. Applicant: W. D. SMITH TRUCK LINE, INC., Post Office Box 68, De Queen, AR 71832. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and storage facilities of Duraflake South, Inc., at or near Simsboro, La., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, restricted to traffic originating at the named origin and destined to the named destination territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 103993 (Sub-No. 640), filed June 6, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, from New Castle, County, Del., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 641), filed June 7, 1971. Applicant: MORGAN

DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks bodies and cargo containers*, from Baltimore, Md., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107227 (Sub-No. 119), filed June 1, 1971. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, CA 94577. Applicant's representative: John G. Lyons, 1411 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, in secondary movements, in truckaway service, from points in Washoe County, Nev., to points in Idaho, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107227 (Sub-No. 122), filed June 1, 1971. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, CA 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled aircraft cargo support vehicles*, except commodities requiring special equipment, from Van Nuys, Calif., to points in the United States except Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 525), filed June 1, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Synthetic plastic composition;* (2) *facing or floor covering;* and (3) *laying accessories and supplies* used in the installation thereto; (B) *material, equipment, and supplies* used in the manufacture and distribution of the commodities described in (A) (except in bulk), between Lisbon, Maine, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 107295 Sub-No. 526), filed June 1, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal products*, including expanded metal, structural framing, metal movable partitions, metal doors, and frames, and other metal building products (except in bulk), from Keene Corp. at or near Vienna, W. Va., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 107295 (Sub-No. 527), filed June 7, 1971. Applicant: FRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stadiums, grandstands, portable bleachers, and materials, supplies, and fixtures* used in the construction thereof, from Baton Rouge, La., to points in the United States (except Alaska and Hawaii, and Louisiana). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 107295 (Sub-No. 528), filed June 9, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator systems, parts and equipment thereof*, from Kokomo, Ind., to points in California, Nevada, Utah, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107403 (Sub-No. 814), filed June 1, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as above) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Nebraska, Utah, Wyoming, and Montana. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 815), filed June 7, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as above) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk, having a prior movement by rail, from North Bergen, N.H., to points in Delaware, Connecticut, Maryland, Pennsylvania, and New York. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 816), filed June 7, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as above) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* in bulk, from Huron, Ohio, to points in Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicate authority sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107912 (Sub-No. 16), filed December 3, 1970. Applicant: REBEL MOTOR FREIGHT, INC., 3080 Gill Road, Memphis, TN 38109. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate points on Mississippi Highway 6, between Batesville and Oxford, Miss., including without limitation, the plantsite of Lawrence Brothers Decorat-

ing Center, Batesville, Miss., located at the intersection of Mississippi Highway 6 and Mississippi Highway 315. NOTE: Applicant is presently authorized in MC 107912 to serve Batesville-Oxford, over Highway 6, but is not authorized to serve intermediate points on Highway 6, between Batesville and Oxford. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 108207 (Sub-No. 319), filed June 3, 1971. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, TX 75207. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk, in tank vehicles), from Champaign, Ill., to points in Iowa, Missouri, Minnesota, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110098 (Sub-No. 114), filed May 24, 1971. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representatives: Donald L. Stern, 530 Univac Building, 7400 West Center Road, Omaha, NE 68106, and T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged animal feed* (except in bulk), from Los Angeles, Calif., to points in New Mexico, Oklahoma, Arkansas, Louisiana, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex., or Los Angeles, Calif.

No. MC 110420 (Sub-No. 637), filed June 3, 1971. Applicant: QUALITY CARRIERS, INC., I–94 and County Highway C, Bristol, WI (Post Office Box 186, Pleasant Prairie, WI 53158). Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Muscatine and Sioux City, Iowa, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Common control may be involved. Applicant states its existing authority and the requested authority could be tacked at the requested origins to serve other origins; however, tacking is not intended to serve the supporting shipper. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 111729 (Sub-No. 318) (Correction), filed May 3, 1971, published in the FEDERAL REGISTER issue of June 10, 1971, and republished as corrected, this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as above), and Russell S. Bernhard, 1625 K Street NW., Washington, DC. The purpose of this partial republication is to correctly set forth the restrictions in Item No. 2 and Item No. 7 as follows: Item No. 2, restricted against the transportation of packages or articles weighing in the aggregate more than 95 pounds from one consignor to one consignee, on any one day; and Item No. 7, restricted against the transportation of articles or packages weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. The rest of the application remains the same.

No. MC 112014 (Sub-No. 12), filed May 28, 1971. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Mount Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery*, between points in Skagit County, Wash., on the one hand, and, on the other, Salem, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 112893 (Sub-No. 45), filed June 3, 1971. Applicant: BULK TRANSPORT COMPANY, a corporation, I–94 and County Highway C, Bristol, WI. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, from Dubuque, Iowa, to points in Minnesota; and (2) *petroleum and petroleum products* (except asphalt and asphalt products), from Dubuque, Iowa, to points in Illinois and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 112893 (Sub-No. 46), filed June 3, 1971. Applicant: BULK TRANSPORT COMPANY, a corporation, I–94 and County Highway C, Bristol, WI. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Janesville, Wis., to points in Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 113024 (Sub-No. 112), filed June 3, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks and accessories and attachments* therefor and thereof, and *materials and supplies* (except in bulk), used in the manufacture thereof, between Camden, N.J., and New Castle, Pa., on the one hand, and, points in Indiana, Kentucky, Ohio, and Wisconsin and points in Illinois south of U.S. Highway 24, for account of Universal-Rundle Corp., New Castle, Pa. NOTE: Applicant has common carrier authority applications pending in MC 135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 268), filed June 1, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold, or distributed by persons engaged in the sales, manufacturing, processing, and milling of grain products, from Chelsea, Mich., to points in Tennessee, Alabama, Louisiana, Arkansas, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 113298 (Sub-No. 1), filed May 28, 1971. Applicant: WEST END TRANSFER, INC., 1508 Jefferson Street, Bluefield, WV. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, cinder, asphalt dust, and rock dust*, in bulk, in dump trucks and trailer dump trucks, between points in Pike, Letcher, Harlan, Knott, and Martin Counties, Ky.; Logan, Mingo, Kanawha, McDowell, Mercer, Summers, Raleigh, Boone, Greenbrier, Fayette, and Wyoming Counties, W. Va.; and Bland, Tazewell, and Russell, Wis.; and Giles, Buchanan, Dickenson, Lee, and Scott Counties, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bluefield, W. Va.

No. MC 113362 (Sub-No. 217), filed June 7, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Box 562, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Indiana, Illinois, Minnesota, Kansas, South Dakota, and Wisconsin, to the plantsite and warehouse facilities of Armour-Dial, Inc., located at Fort Madison, Iowa, restricted to traffic originating in the above-named origin areas and destined to Fort Madison, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Minneapolis, Minn., or Des Moines, Iowa.

No. MC 113651 (Sub-No. 144), filed June 1, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products, and articles distributed by packinghouses;* (1) from the plantsite and/or cold storage facilities of the Marhoefer Packing Co., Inc., at Muncie, Ind., to Chicago, Ill.; and (2) from Chicago, Ill., to the plantsite and/or cold storage facilities of Marhoefer Packing Co., Inc., at Muncie, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113651 (Sub-No. 145), filed June 1, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic flatware,* in cartons, from Leominster, Mass., to Chicago, Ill., St. Louis, Mo., and points in Indiana, Ohio, Tennessee, Georgia, Florida, Michigan, North Carolina, South Carolina, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 113666 (Sub-No. 57) (Amendment), filed April 28, 1971, published in the FEDERAL REGISTER issue of May 27, 1971, and republished in part as amended this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. NOTE: The sole purpose of this partial republication is to add to Part (1) the cities of Massillon and Negley, Ohio, as origin points. The rest of the application remains as previously published.

No. MC 113678 (Sub-No. 428), filed June 2, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard A. Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses,* from Omaha, Nebr., to points in Illinois, Indiana, Ohio, and Michigan. NOTE: Applicant states that tacking possibilities with existing authorities do exist, but it has no present intention to tack and therefore does not identify the points or territories which can be served by tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113855 (Sub-No. 242), filed June 7, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authorityy sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplane loading, maintenance, and baggage handling equipment,* from San Leandro, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114211 (Sub-No. 153), filed June 4, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (b) *equipment* designed for use in conjunction with tractors; (c) *agricultural, industrial, and construction machinery and equipment;* (d) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles); (e) *attachments* for the above-described commodities; (f) *internal combustion engines;* and (g) *parts* of the above-described commodities when moving in mixed loads with such commodities when moving in mixed loads with such commodities, from the plants, warehouse sites, and experimental farms of Deere & Co. in Black Hawk, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming; and (2) such merchandise as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk), from the plant, warehouse sites, and experimental farms of Deere & Co. in Dodge County, Wis., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming; and (3) *returned shipments* of above-specified commodities. Restriction: Restricted in (1) and (2) above to the transportation of traffic originating at the plantsites, warehouse sites, and experimental farms of Deere & Co. and in (3) above to the transportation of traffic destined to said facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 93), filed June 1, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, Suite 315, Commerce Building, 2720 First Avenue NE., Cedar Rapids, IA 52402, and Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Illinois, Indiana, Kansas, Missouri, Nebraska, South Dakota, and Wisconsin to Fort Madison, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114273 (Sub-No. 94), filed June 3, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, Suite 315, Commerce Building, 2720 First Avenue NE., Cedar Rapids, IA 52402, Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk in tank vehicles), from Champaign, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 95), filed June 9, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Kinchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402, and Gene R. Prokuski (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail sales stores, from Lawrence, Kans., to points in Iowa and points in Minnesota on and south of U.S. Highway 14, and Rock Island and Moline, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114917 (Sub-No. 3) (Clarification), filed February 1, 1971, published in the FEDERAL REGISTER issue of June 17, 1971, and republished as clarified, this issue. Applicant: DART TRANSPORTATION SERVICE, a corporation, 1430 South Eastman Ave., Los Angeles, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* as is dealt in by mail order and chain retail department business houses, from points in the Los Angeles commercial zone and the Los Angeles Harbor commercial zone, as these zones are defined in Los Angeles, Calif., Commercial Zones, 3 M.C.C. 248, to Merced, San Bruno, San Rafael, and Santa Cruz, Calif., under contract with Sears, Roebuck & Co. NOTE: The purpose of this republication is to redescribe the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 115162 (Sub-No. 228) (Correction), filed May 6, 1971, published in the FEDERAL REGISTER issue of June 4, 1971, under No. MC 115152 (Sub-No. 228), and republished in part, as corrected, this issue. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned. The rest of the application remains as previously published on June 4, 1971.

No. MC 115841 (Sub-No. 411), filed June 2, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 168, Concord, TN 37720. Applicant's representatives: Roger M. Shaner (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, in vehicles equipped with mechanical refrigeration, from points in Illinois, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, Virginia, West Virginia, Maryland, Delaware, Ohio, Indiana, Pennsylvania, Kentucky, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Atlanta, Ga., or Washington, D.C.

No. MC 115994 (Sub-No. 8), filed May 26, 1971. Applicant: FIDERAK TRUCKING, INC., Lafayette Street, Rural Delivery 2, Tamaqua, PA 18252. Applicant's representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, PA 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Andreas, Schuylkill County and points within 5 miles thereof, and points in Carbon and Lehigh Counties, Pa., to New York, N.Y.; points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Allentown, Hazelton, or Scranton, Pa.

No. MC 116119 (Sub-No. 23), filed May 27, 1971. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE COMPANY, 1122 South Street, Elkins, WV 26241. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md., to points in West Virginia, under contract with Valley Distributors. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116273 (Sub-No. 136) (Clarification), filed February 25, 1971, published in the FEDERAL REGISTER issue of March 25, 1971, and April 8, 1971, respectively, and republished as clarified this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant and warehouse sites of Philadelphia Quartz Co. at or near La Salle, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee (west of Highway 27), Texas, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. NOTE: The purpose of this republication is to clarify the point of origin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116725 (Sub-No. 18), filed June 1, 1971. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, PA 19438. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and dairy products* as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *dairy product substitutes* (except commodities in bulk), between Harleysville, Pa., and points in Franconia Township, Montgomery County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maryland, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that it intends to tack the requested authority to its existing authority at Harleysville and points in Franconia Township, Montgomery County, Pa. If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Philadelphia, Pa.

No. MC 117799 (Sub-No. 14), filed June 4, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representatives: Patrick M. Porritt (same address as applicant) and Val Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk, in tank vehicles), from Champaign, Ill., to points in Minnesota, Montana, Nebraska, North Dakota, and South Dakota, restricted to the transportation of traffic originating at Champaign, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 118989 (Sub-No. 63), filed June 7, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk in tank vehicles), from Champaign, Ill., to points in Nebraska, Iowa, Missouri, Minnesota,

Wisconsin, Indiana, Ohio, Kentucky, West Virginia and points in New York, Pennsylvania, and Maryland on and west of Interstate Highway 81 and Allentown, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 271), filed June 3, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plant-site and warehouse of Tony Downs Foods at St. James or Madelia, Minn., to points in Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119789 (Sub-No. 69), filed June 1, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toy guns, toy rifles, paper caps, and leather holsters*, from Jacksonville, Tex., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.; Nashville, Tenn.; or Washington, D.C.

No. MC 119789 (Sub-No. 70), filed June 1, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and preservatives* (other than frozen), from Arlington, Tex., to points in Oklahoma, Louisiana, Arkansas, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 71), filed June 1, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: (James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, from Henderson, Ky., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.; Dallas, Tex.; or Washington, D.C.

No. MC 119789 (Sub-No. 72), filed June 1, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Haddock, Ga., and Woodruff, S.C., to points in Louisiana, Texas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.; Columbia, S.C., or Washington, D.C.

No. MC 119789 (Sub-No. 73), filed June 2, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Thomas County, Ga., to points in the United States (except points in Georgia, Florida, Alaska, and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 74), filed June 2, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Thomas County, Ga., to points in the United States (except points in Georgia, Florida, Alaska, and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 75), filed June 10, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from Anaheim, Calif., to Dalton, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.; Dallas, Tex., or Washington, D.C.

No. MC 119864 (Sub-No. 43), filed June 1, 1971. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, OH 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from Bowling Green, Ohio, to points in Indiana, Illinois, and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 120981 (Sub-No. 12), filed May 27, 1971. Applicant: BESTWAY EXPRESS, Inc., 415 Fifth Avenue South, Nashville, TN 37202. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) Between Nashville, Tenn., and New Orleans, La.: From Nashville, Tenn., over U.S. Highway 70 to Memphis, Tenn., thence over U.S. Highway 51 to junction U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, La., and return over the same route, serving the intermediate points of Jackson, Tenn., Canton, Miss., and points between Hernando and Sardis, Miss., including Hernando and Sardis, Miss., and serving Flora, Raymond, and Koscuisko, Miss., as off-route points. Service at Jackson, Tenn., restricted against the handling of traffic originating at, destined to, or interlined at, Nashville, Tenn.; and (2) between the the junction of U.S. Highway 51 and U.S. Highway 190 at or near Hammond and Baton Rouge, La.: From the junction of U.S. Highway 51 and U.S. Highway 190 over U.S. Highway 190 to Baton Rouge, La., and return over the same route, serving no intermediate points, serving the junction of U.S. Highway 51 and U.S. Highway 190 for joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., and Jackson, Miss.

No. MC 124328 (Sub-No. 49), filed May 27, 1971. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, IL 60616. Applicant's representative: Francis D. Partlan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Culpepper, Va., on the one hand, and, on the other, Boston, Mass.; New York and Buffalo, N.Y.; Philadelphia, Pa.; Cleveland and Cincinnati, Ohio; Pittsburgh, Pa.; Miami, Fla.; Baltimore, Md.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Jacksonville, Fla.; Nashville, Tenn.; New Orleans, La.; Chicago, Ill.; Detroit, Mich.; St. Louis, Mo.; Little Rock, Ark.; Louisville, Ky.; Memphis, Tenn.; Minneapolis, Minn.; Helena, Mont.; Kansas City, Mo.; Denver, Colo.; Oklahoma City, Okla.; Omaha, Nebr.; Dallas, El Paso, Houston, and San Antonio, Tex.; San Francisco and Los Angeles, Calif.; Portland, Oreg.; Salt

Lake City, Utah; Seattle, Wash.; and Washington, D.C.; under contract with United States of America, General Services Administration. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126305 (Sub-No. 30), filed May 26, 1971. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, AL 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seatings and tables*, from the plantsite of American Bleacher Corp., at or near Baton Rouge, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 126305 (Sub-No. 31), filed June 1, 1971. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route No. 1, Clayton, AL 36106. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board, and gypsum products and materials* used in the installation thereof, from the plantsite and warehouse facilities of The Celotex Corp., Charleston, Ill., to points in Alabama, Georgia, Florida, Louisiana, Mississippi, Tennessee, North Carolina, South Carolina, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 127049 (Sub-No. 9), filed June 7, 1971. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, WI 53024. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Semiprocessed yarn*, from Washington, Whiteville, Warsaw, and Beulaville, N.C., to points in Illinois, Indiana, Minnesota, Ohio, Pennsylvania, and Wisconsin; and (2) *raw wool, and returned shipments of semiprocessed yarn*, from points in Illinois, Indiana, Minnesota, Ohio, Pennsylvania, and Wisconsin to Washington, Whiteville, Warsaw, and Beulaville, N.C., under contract with National Spinning Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129615 (Sub-No. 5), filed June 1, 1971. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, a corporation, 2000 West 16th Street, Long Beach, CA 90801. Applicant's representative: E. D. Helmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, farm tractors, self-propelled vehicles, off-highway self-propelled vehicles and trailers*, in truckaway or driveaway service, in secondary movements, between points in Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 129663 (Sub-No. 5), filed May 26, 1971. Applicant: BORIGHT TRUCKING CO., INC., Boright Avenue, Kenilworth, NJ 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Kenilworth, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under contract with Gilbert Plastics, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133390 (Sub-No. 2), filed June 3, 1971. Applicant: H. IMME & SONS, INC., W 145 S 6550 Tess Corners Drive, Muskego, WI 53150. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods* (except in bulk, in tank vehicles), from the plantsite and storage facilities of Geiser's Potato Chip Co., at Milwaukee, Wis., to points in the Upper Peninsula of Michigan, under a continuing contract, with Geiser's Potato Chip Co., Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 134215 (Sub-No. 3), filed May 27, 1971. Applicant: MINNESOTA EXPRESS, INC., Box 245, 617 West Pacific Avenue, Willmar, MN 56201. Applicant's representative: Wilbur F. Appelgren (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen dressed poultry, poultry products, and frozen foods*, from Faribault, Minn., to points in North Dakota and South Dakota, on and east of U.S. Highway 83, under contract with Domain Industries, Inc., of New Richmond, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134247 (Sub-No. 5), filed May 28, 1971. Applicant: CHARLES SEVERANCE, doing business as SEVERANCE TRUCK LINE, Post Office Box 903, State Road 100, Lake City, FL 32055. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meat, meat products, meat byproducts and packinghouse products*, from Madison, Fla., to points in Alabama, Georgia, South Carolina, North Carolina, Mississippi, Louisiana, Tennessee, Kentucky, Virginia, Illinois, Indiana, Iowa, Missouri, and Florida; and (b) *materials and supplies* used in the processing of or pertaining to the commodities described above, from points in the States named above, to Madison, Fla., under contract with Dixie Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 134367 (Sub-No. 4), filed May 24, 1971. Applicant: VANWINKLE TRUCKING, INC., 1040 Troy-Schenectady Road, Latham, NY 12110. Applicant's representative: Donald C. Carmien, Suite No. 500, O'Neil Building, Binghamton, N.Y. 13901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, restriction to immediate prior or subsequent movement by air, between Bradley Field Windsor Locks, Conn., on the one hand, and, points in the New York counties of Warren, Fulton, Montgomery, Saratoga, Washington, Schenectady, Rensselear and Albany. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 134776 (Sub-No. 13), filed June 2, 1971. Applicant: MILTON TRUCKING, INC., Post Office Box 209, Milton, PA 17847. Applicant's representative: George A. Olsen, 60 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Paper and paper articles*, from Glen Falls, N.Y., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Maryland, and the District of Columbia, under continuing contract with Finch Pruyn & Co., Inc., of Glen Falls, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135281 (Sub-No. 4), filed May 28, 1971. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route No. 4, Post Office Box 61, Elizabethtown, KY 42701. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker*, in bulk, in dump vehicles, from the plantsite of Louisville Cement Co., at Speed, Ind., to the plantsite of

Kosmos Portland Cement Co., at Kosmosdale, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Evansville, Ind.

No. MC 135327 (Sub-No. 2), filed May 26, 1971. Applicant: ARMAND VEILLEUX, 18 Lake Street, Ste-Rose Station, Laval County, PQ Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from ports of entry on the international boundary line between the United States and Canada in Vermont and New York to points in Vermont, New York, New Jersey, and Pennsylvania, under contract with Hebert Lumber Ltee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Albany or Plattsburgh, N.Y.

No. MC 135344 (Sub-No. 2) (Correction), filed April 26, 1971, published in the FEDERAL REGISTER issue of May 7, 1971, corrected and republished as corrected, this issue. Applicant: COMET TRUCKING, INC., 249 East Fourth North, American Fork, UT 84003. Applicant's representative: Myrna Mae Nebeker, 212 Phillips Petroleum Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron and steel furnace retorts and parts*, together with all fittings, electrical and mechanical, from a Salt Lake City foundry, or other foundries or factories engaged in the casting or manufacturing of component parts for furnaces under contract with Envirotech Systems, Inc., to points in the United States (including Alaska and Hawaii). NOTE: The purpose of this republication is to redescribe the territorial description. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 135424 (Sub-No. 2), filed May 27, 1971. Applicant: CONNOLLY CARTAGE CORP., Post Office Box 3660, St. Paul, MN 55165. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of the International Paper Co. located at Arden Hills, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin, and return of *rejected shipments* to the consignor. The transportation service herein provided will be furnished by the assignment of motor vehicles to the exclusive use of the International Paper Co. Restriction: No transportation service shall be authorized to La Crosse, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 135571 (correction), filed May 4, 1971, published in the FEDERAL REGISTER issue of May 27, 1971, and republished as corrected this issue. Applicant: EVERETT KENNEDY, LTD., Rural Route 1, Auld's Cove, NS, Canada, Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas and fruit juices*, from points in the Boston, Mass., commercial zone to ports of entry on the international boundary line between the United States and Canada at or near Calais and Houston, Maine; (2) *frozen berries, frozen fish, salted, pickled, or smoked fish, and fresh fish* when moving in the same vehicle with shipments of salted, pickled, or smoked fish, from ports of entry on the international boundary line between the United States and Canada at or near Calais and Houston, Maine, to points in Massachusetts, New York, and New Jersey; (3) *machinery, equipment, cartons, wrappers, materials, and supplies* used in catching, processing, and packaging of fish, between points in the Boston, Mass., commercial zone and Gloucester, Mass., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at or near Calais and Houston, Maine; and (4) *commodities* exempt from economic regulation under section 203(b)(6) of part II of the Interstate Commerce Act when moving at the same time and in the same vehicle with commodities named in (1) and (3) above, between points in the Boston, Mass., commercial zone and Gloucester, Mass., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at or near Calais and Houston, Maine. NOTE: The *purpose of this republication is to reflect* that applicant had a pending contract application with the Commission under MC 128560. At present, however, applicant has no authority with the Commission. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135657, filed May 26, 1971. Applicant: COMMONWEALTH WAREHOUSE & STORAGE, INC., 31 35th Street, Pittsburgh, PA 15201. Applicant's representative: Joseph I. Lewis, 907 Plaza Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except explosives and articles of unusual value, from applicant's warehouse in Pittsburgh, Pa., to points in that part of Pennsylvania west of the westerly line of Porter, Clinton, Union, Snyder, Perry, Cumberland, and Adams Counties, Pa. NOTE: Applicant states that this service is strictly limited to such general commodities as are stored and warehoused by the applicant, being solely and exclusively confined to such general commodities as were in prior interstate transportation and were stored and/or warehoused by applicant, before delivery to prior designated consignees. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 135675, filed May 27, 1971. Applicant: TEXAS FIREPROOF STORAGE COMPANY, a corporation, 225 South 11th Street, Waco, TX 76703. Applicant's representative: V. D. Pollard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between points in Bosque, Hill, McLennan, Limestone, Bell, Coryell, Hamilton, Mills, Lampassas, San Saba, Llano, Mason, Burnet, and McCulloch Counties, Tex. Restriction: The authority sought herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Austin, Waco, or Fort Worth, Tex.

No. MC 135677, filed May 27, 1971. Applicant: BESTWAY TRANSPORT, INC., Post Office Box 9605, Baltimore, Md. 21237. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20026. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, in packages, rolls, and cartons, from Baltimore, Md., to points in Pennsylvania, New Jersey, Delaware, Virginia, West Virginia, and the District of Columbia, under contract with Certain-Teed St. Gobain Insulation Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 135690, filed June 1, 1971. Applicant: JOSEPH C. LIEBL, SR., AND JOSEPH C. LIEBL, JR., a partnership, doing business as, LIEBL CARTAGE, 80 Forest Lane, Elk Grove Village, IL. Applicant's representative: Philip A. Lee, 110 South Dearborn, Suite 120, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty truck trailers and kindred parts, thereto*, between Chicago, Ill., and Bay City, Grand Rapids, Detroit, Flint, and Sawyer, Mich.; Gary, Whiting, Hammond, East Chicago, Crown Point, Indianapolis, Fort Wayne, and Roby, Ind.; and Milwaukee, Green Bay, Madison, Stoughton, and Edgerton, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 168), filed June 3, 1971. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Erie, Genesee, Livingston, Monroe, Steuben, and Wyoming Counties, N.Y., and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Rochester, N.Y.

No. MC 82007 (Sub-No. 6), filed June 2, 1971. Applicant: SAMUEL COOPER GREGG, Yorklyn, Del. 19736. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter service, from points in Pennsylvania on and south of U.S. Highway 1 bypass, U.S. Highway 1, the junction of U.S. Highway 1 and Pennsylvania Highway 52, and Pennsylvania Highway 52, to points in Maryland, New Jersey, New York, Virginia, Delaware, and the District of Columbia, and return. NOTE: Applicant states it will tack with existing authorities in its base docket No. MC 82007. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Avondale, Pa.

No. MC 135620, filed May 24, 1971. Applicant: HJALMER W. LAPPALAINEN, doing business as VIKING COACH LINES, Route 1, Post Office Box 158, South Range, WI 54874. Applicant's representative: Arthur M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Passengers and their baggage and express, mail, and newspapers* in the same vehicle with passengers. *Regular routes:* Between Superior, Wis., and Bloomington, Minn., as follows: From Superior, Wis., over U.S. Highway 53 across the St. Louis River to Duluth, Minn.; from Superior, Wis., over Interstate Highway 535 across the St. Louis River to Duluth, Minn.; from Superior, Wis., over U.S. Highway 2 across the St. Louis River to Duluth, Minn.; from Superior, Wis., over Wisconsin Highway 105 across the St. Louis River to Duluth, Minn.; from Duluth, Minn., over Interstate Highway 35 to the junction with Interstate Highways 35E and 35W; thence over Interstate Highway 35E to St. Paul, Minn.; and thence over Interstate Highway 35W to Minneapolis, Minn.; from Duluth, Minn., over Minnesota Highway 23 to Mora, Minn.; thence over Minnesota Highway 65 to Minneapolis, Minn.; thence over Interstate Highway 35W to the junction with Hennepin County Highway 62; thence over Hennepin County Highway 62 to the junction with Minnesota Highway 36; thence over Minnesota Highway 36 to the metropolitan stadium in Bloomington, Minn., beginning at the junction of Interstate Highway 35W with Interstate Highway 94 in Minneapolis; thence over Interstate Highway 94 to St. Paul, Minn.; beginning at the junction of Minnesota Highway 36 with Interstate Highway 494; thence over Interstate Highway 494 and Minnesota Highway 5 to Minneapolis-St. Paul International Airport, and return over the same routes to each point of origin and serving all intermediate points on each route; and (2) *passengers and their baggage*, over *irregular routes*, in special operations, between the branch campus of the University of Minnesota at Duluth, Minn., and the main campus of the University of Minnesota at Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Superior, Wis., or Duluth, Minn.

APPLICATION OF WATER CARRIER

No. W-1259 (MUNICIPAL DOCKS RAILWAY OF THE JACKSONVILLE PORT AUTHORITY Common Carrier Application) filed June 21, 1971. Applicant: MUNICIPAL DOCKS RAILWAY OF THE JACKSONVILLE PORT AUTHORITY, Post Office Box 3005, Jacksonville, FL 32206. By application filed June 21, 1971, applicant seeks authority to operate as a common carrier of *property generally*, by water, between points and places in the Jacksonville, Fla., Harbor as defined by the U.S. Army Corps of Engineers and lying wholly within the territorial limits of Duval County and the corporate city limits of the city of Jacksonville, Fla. It further proposes to limit its holding out to perform common water carrier services only to that traffic which has transited or will transit marine terminal facilities developed by the Jacksonville Port Authority, including but not limited to lighter staging areas in protected waters and/or piers, wharves, and docks, or other marine terminal installations owned by the Authority.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 133006 (Sub-No. 1), filed June 4, 1971. Applicant: HOWARD CALLENS, doing business as CALLENS TRUCKING CO., 7519 Egley Avenue, Rosemead, CA 91770. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canvas, industrial fabrics, and webbing, and such commodities* used, distributed, and dealt in by fabricators and distributors of canvas, webbing, and industrial fabrics, from points in Alabama, Connecticut, Florida, Georgia, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, and Texas, to points in California, under contract with Elizabeth Webbing Mills Co., Inc.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9231 Filed 6-30-71;8:45 am]

ALL-AMERICAN TRANSPORT, INC., ET AL.

Assignment of Hearings

JUNE 28, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-10950, All-American Transport, Inc.—Purchase—Orville Gragg, doing business as Gragg Truck Line, MC-F-11050 All-American Transport, Inc.—Purchase—Kolb, Inc., MC-F-11189, All-American Transport, Inc.—Investigation of Control, Kolb, Inc., MC 29120 (Sub-No. 123), All-American, Inc., now being assigned continued hearing July 12, 1971, in the Ramada Inn, 2400 North Louise, Sioux Falls, SD.

MC-C-7155, Gaston Feed Transports, Inc.—Investigation and Revocation of Certificates, now being assigned September 15, 1971, in Room 275, Internal Revenue Service Building, 412 South Main Street, Wichita, KS.

FD 26435, Kansas Southwestern Railway Co. & Atchison, Topeka & Santa Fe Railway Co. Abandonment between Geuda Springs and Metcalf, Kans., now being assigned September 13, 1971, at Wichita, Kans., in Room 275, Internal Revenue Service Building, 412 South Main Street.

No. 35377, Oklahoma Intrastate Freight Rates and Charges, 1971, now being assigned September 8, 1971, at Oklahoma City, Okla., in Room 4012, Federal Office and Courthouse Building, 210 Northwest Fourth.

MC 29643 Sub 7, Walsh Trucking Service, Inc., now assigned September 13, 1971, in U.S. Courtroom, Fourth Floor, U.S. Post Office and Courthouse Building, Albany, N.Y.

MC 111812 Sub 419, Midwest Coast Transport, Inc., MC 113678 Sub 406, Curtis, Inc., MC 115841 Sub 388, Colonial Refrigerated Transportation, Inc., MC 117883 Sub 140, Subler Transfer, Inc., now assigned September 20, 1971, in Room 2211B, John Fitzgerald Kennedy Building, Government Center, Boston, Mass.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9327 Filed 6-30-71;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 28, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of in 15 days from the date of publication practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FCA No. 42234—*Grain, grain products, and related articles from Clinton, Iowa.* Filed by Southwestern Freight Bureau, agent (No. B-238), for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, in carloads, as described in the application, from Clinton, Iowa, to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas (also Memphis, Tenn.).

Grounds for relief—Market competition.

Tariffs—Supplement 56 to Southwestern Freight Bureau, agent, tariff ICC 4901, and 3 other schedules named in the application. Rates are published to become effective on August 3, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9323 Filed 6-30-71;8:50 am]

[Notice 321]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 25, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3581 (Sub-No. 16 TA), filed June 18, 1971. Applicant: THE MOTOR CONVOY, INC., 275 Convoy Drive SW., Atlanta, GA 30354. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and pickup trucks*, in secondary movement, in truckaway service, from Baton Rouge, La., to points in Missouri, Arkansas, Alabama, Mississippi, and Tennessee, for 150 days. Supporting shipper: Nissan Motor Corp., 5647 Hartsdale Drive, Houston, TX 77036. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 27817 (Sub-No. 92 TA), filed June 18, 1971. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Post Office Box 220, Chambersburg, PA 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, and Ohio, for 180 days. Supporting shipper: Musselman Fruit Products, Division of Pet, Inc., Biglerville, Pa. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 41347 (Sub-No. 6 TA), filed June 20, 1971. Applicant: DEBACK CARTAGE COMPANY, INC., 4841 West Burnham Street, Milwaukee, WI 53219. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sea coal*, from Dolton, Ill., to West Allis, Wis., for the account of Milchap Products Division, S.C.I., for 180 days. Supporting shipper: Milchap Products, Division of S.C.I., 8656 West National Avenue, Milwaukee, WI 53227 (Earl R. Jackson). Send protests to: District Supervisor Lyle D. Heifer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 56244 (Sub-No. 27 TA), filed June 18, 1971. Applicant: KUHN TRANSPORTATION COMPANY, INC., Route No. 2, Box 71, Gardners, PA 17324. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Pennsylvania, Michigan, Ohio, and New York, N.Y., Baltimore, Md., and points in West Virginia on and north of U.S. Highway 50, for 180 days. Supporting shipper: Musselman Fruit Products, Division of Pet, Inc., Biglerville, Pa. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 85255 (Sub-No. 40 TA), filed June 20, 1971. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings and sawdust*, from Forest Grove, Oreg., to Longview, Wash., for 150 days. Supporting shipper: Forest Grove Lumber Co., Post Office Box 386, Forest Grove, OR 97116. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 102806 (Sub-No. 19 TA), filed June 18, 1971. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, Post Office Box 399, 701 East Davis Street, Gastonia, NC 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Tyner, Tenn., to points in Clay County, N.C., for 180 days. Supporting shipper: Murphy Oil Corp., Post Office Box 15204, Nashville, TN 37215. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building) Charlotte, NC 28202.

No. MC 107295 (Sub-No. 531 TA), filed June 18, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane insulation products*, from the plantsite and warehouse facilities of the Celotex Corp. at Charleston, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. Supporting shipper: Mr. Clayton Geer, Supervisor, Truck Transportation, The Celotex Corp., Post Office Box 22602, Tampa, Fla. 33622. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107515 (Sub-No. 757 TA) (Correction), filed June 7, 1971, published FEDERAL REGISTER issue June 17, 1971 corrected and republished in part as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30309. NOTE: The purpose of this partial republication is to reflect the correct Sub-No. 757, in lieu of 756, which was shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 112822 (Sub-No. 204 TA), filed June 18, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Joe W. Ballard, Post Office Box 1191, Cushing, OK 74023. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Plywood, composition board, moulding, doors wood cabinets, wood cabinet parts, and accessories* used in the installation thereof, from points in Los Angeles, and Riverside Counties, Calif., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Evans Products Co., Gordon T. Adams, GTM, Post Office Box 880, Corona, CA 91720. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114457 (Sub-No. 111 TA), filed June 20, 1971. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Donald G. Oren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, polyurethane, foam pads or padding* used for mattresses or upholstery, from Council Bluffs, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Future Foam, Inc., Council Bluffs, Iowa. Send protests to: District Supervisor E. S. Sjogren, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 115311 (Sub-No. 121 TA), filed June 18, 1971. Applicant J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville GA 31061. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Livingston, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge Drive, Hamilton, Ohio. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 113678 (Sub-No. 429 TA), filed June 21, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: David L. Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma* from Wichita, Kans., to Berkeley, Calif., for 180 days Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, CA 94710. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 129162 (Sub-No. 11 TA), filed June 20, 1971. Applicant: ROBERT BERNARD SCHILLI, Trustee under the last will of Bernard Raymond Schilli, Deceased, doing business as SCHILLI TRANSPORTATION, 230 St. Clair Avenue, East St. Louis, IL 62201. Applicant's representative: J. R. Ferris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Nitro-carbo-nitrate*, from the plantsite of the Monsanto Co. at or near Central City, Ky., to points in Lee, Wise, Buchanan, Dickenson, and Scott Counties, Va., for 180 days. Supporting shipper: James K. Kuykendall, Transportation Analyst, Monsanto Co. 800 North Lindberg Boulevard, St. Louis, MO 63166. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 129897 (Sub-No. 1 TA), filed June 20, 1971. Applicant: M.S.B.P., Inc., 2604 Avenue G, Council Bluffs, IA 51501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hide trimmings and tails*, from points in Texas, Indiana, and Tennessee, to Oak Creek, Wis., and Chicago, Ill., and (2) *tankage*, from Oak Creek, Wis., and Chicago, Ill., to points in Texas, for 180 days. Supporting shipper: Mid-State By-Products Co., 3060 F Street, Omaha, NE. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134336 (Sub-No. 3 TA), filed June 18, 1971. Applicant: TOM BOWEN, INC., Box 689, 1717 Lacelle Street, Sturgis, SD 57785. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Sturgis, S. Dak., to points in Nebraska, for 180 days. Supporting shipper: J. U. Dickson Sawmills, Box 269, Sturgis, SD 57785, James U. Dickson. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 134859 (Sub-No. 3 TA), filed June 21, 1971. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, IL 62896. Applicant's representative: Donald Russell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, from site of Meramec Mining Co., near Sullivan, Mo., to plantsite of Superior Steel Ball Co., Washington, Ind., for 180 days. Supporting shipper: Oral L. Frye, Plant Manager, The Superior Steel Ball Co., Inc., 110 Southeast Third Street, Washington, IN 47501. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 135185 (Sub-No. 5 TA), filed June 18, 1971. Applicant: COLUMBINE CARRIERS, INC., 4971 South Emporia, Englewood, CO 80110. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, D.C., Virginia, and West Virginia, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135596 (Sub-No. 1 TA), filed June 20, 1971. Applicant: EDWARD E. SCHMIDT, doing business as BUD SCHMIDT TRUCKING, 920 Fifth Street SW., Waseca, MN 56093. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods* as dealt in by Herter's Inc., of Waseca, Minn., from Waseca, Minn., to Beaver Dam, Eau Claire, La Crosse, Tomah, Madison, Fond du Lac, Plymouth, Wisconsin Rapids, Stevens Point, Appleton, Green Bay, Oconto, and Superior, Wis., and from Waseca, Minn., to Iowa Falls, Iowa, and return, for 180 days. Supporting shipper: Herter's, Inc., Waseca, Minn. 56093. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135701 TA, filed June 18, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by retail discount department stores, from the warehouse facilities of Cook United, Inc., Maple Heights and Twinsburg, Ohio, to points in North Carolina, Florida, Maryland, Illinois, Indiana, Massachusetts, Texas, Pennsylvania, New York, Iowa, Georgia, Kentucky, New Mexico, Oklahoma, and Tennessee, *damaged or rejected shipments* on return, for 180 days. Supporting shipper: Discount Division Cook United, Inc., 16501 Rockside Road, Maple Heights, OH 44137. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 135703 TA, filed June 20, 1971. Applicant: A. B. BURRIS AND R. A. CARLSON, a partnership, doing business as CONTRACT EXPRESS CO., 220 South Findlay Street, Seattle, WA 98108. Applicant's representative: Robert Carlson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglas products*, for Reichold Chemical, and (2) *steel castings*, for Olympic Foundry, from Seattle, Wash., to points in Los Angeles and San Bernardino County, Calif., return from San Diego to points in King, Pierce, Snohomish County, Wash., for 180 days. Supporting shippers: Olympic Equipment Co., 1044 Fourth Avenue South, Seattle, WA 98134; Reichold Chemicals, Inc., 1011 Eighth Avenue North, Seattle, WA 98109. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135704 TA, filed June 20, 1971. Applicant: LEON PRICKETT AND GARY PRICKETT, a partnership, doing business as LEON PRICKETT & COMPANY, 3223 East Broadway, North Little Rock, AR 72114. Applicant's representative: L. C. Cypert, 206 Fifteen, Fifteen Building, 1515 West Seventh Street, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate feed supplements*, from North Little Rock, Ark., to points in Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Olin, Post Office Box 991, Little Rock, AR 72203. Send protests to: District supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135705 TA, filed June 18, 1971. Applicant: LELAND L. MELROSE, doing business as MELROSE TRUCKING COMPANY, Post Office Box 6360, Casper, WY 82601. Applicant's representative: Max F. Parrish, Center at Second, Pocatello, ID 83201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from railroad sidings near Casper and Douglas, Wyo., to Humble Oil Co., Uranium Refining Project, located approximately 31 miles northeast of Glenrock, Wyo., for 180 days. Supporting shipper: Kaiser Cement & Gypsum Corp., IBM Building, 130 Neill Avenue, Hemema, MT 59601. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9324 Filed 6-30-71;8:51 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—JULY

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THURSDAY, JULY 1, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 127

PART II

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

HORSE PROTECTION

Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 11]

HORSE PROTECTION

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831), the Department of Agriculture is considering the issuance of regulations relating to the protection of certain show horses against the practice of soring, to appear as new Part 11 in Chapter I, Subchapter A,[1] Title 9, Code of Federal Regulations, to read as follows:

PART 11—HORSE PROTECTION REGULATIONS

GENERAL

EXHIBITORS

HORSE SHOW OR EXHIBITION SPONSORS AND OPERATORS

TRANSPORTATION

ENFORCEMENT

GENERAL

§ 11.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section and the singular form shall also import the plural and the masculine form shall also import the feminine.

(a) "Act" means the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831) cited as the Horse Protection Act of 1970.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Research Service of the Department, or any officer or employee of said Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(d) "Division" means the Animal Health Division, Agricultural Research Service, of the Department.

(e) "Director" means the Director of the Division or any other officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(f) "Veterinarian In Charge" means the Division veterinarian, who is assigned by the Director to supervise and perform the official work of the Division under the Act in a specified State.[2]

(g) "Division Representative" means any inspector employed by the Division who is designated by the Veterinarian In Charge, or any officer or employee of any State agency who is authorized by the Director to perform any function under the Act.

(h) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or other possession of the United States.

(i) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(j) "Horse" means any member of the species Equus *caballus*.

(k) Except in §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition.

(l) Except in §§ 11.22 and 11.23, "exhibition" means a public display of any horses, singly or in groups, but not in competition, if any horse was moved to such display in commerce. In §§ 11.22 and 11.23, "exhibition" means a public display of any horse or horses, singly or in groups, but not in competition.

(m) "Boot" means a device which encircles the lower extremity of a leg of a horse and which may be made of leather, cloth, felt, or other material.

(n) "Commerce" means commerce between a point in any State and any point outside thereof, or between points within the same State but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

(o) "Inspection" of a horse means an examination of the horse by use of whatever means are reasonably deemed necessary by the inspector to determine whether the horse is sored. This may include, but is not limited to, visual examination, touching, and use of any diagnostic device or instrument, and may include the requirement of the removal of any shoes, pads, and other equipment from the horse.

(p) "Sponsoring organization" means the association or other person under whose auspices a horse show or exhibition is conducted.

(q) "Show operator" means the person who has been delegated primary authority for managing a horse show or exhibition by a sponsoring organization, and has accepted the responsibility involved.

(r) "Exhibitor" means the owner or other person who enters a horse in any horse show or exhibition.

(s) (1) "Sored horse" is a horse that has been subjected, after December 9, 1970, to one or more of the following for the purpose of affecting its gait:

(i) A blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(ii) Burns, cuts, or lacerations have been inflicted on the horse;

(iii) A chemical agent, or tacks or nails have been used on the horse; or

(iv) Any other cruel or inhumane method or device has been used on the horse, including, but not limited to, chains or boots;

which may reasonably be expected (*a*) to result in physical pain to the horse when walking, trotting, or otherwise moving, or (*b*) to cause extreme physical distress to the horse, or (*c*) to cause inflammation of any part of the horse.

(2) A horse shall be considered sored if the length of the toe does not exceed the height of the heel by more than 1 inch, and such condition was caused to affect the gait of the horse.

(3) Any blisters, burns, cuts, lacerations, or other indicators of the use of any cruel or inhumane method or device with respect to any horse constitute evidence that the horse is sored.

EXHIBITORS

§ 11.2 Prohibitions concerning exhibitors.

(a) It is unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored.

(b) No chains, rollers, or other device or method shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sored.

(c) No boots other than those permitted under § 11.4 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, grease, dye, stains, or polishes, shall not be used on the extremities, above the hoof but below the fetlock of any horse while being shown or exhibited at any horse show or exhibition, unless the exhibitor furnishes to the Division representative, upon his request, a certification from a veterinarian that this substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Entries.

Each horse owner or other person who intends to show or exhibit any Tennessee

[1] The subchapter heading would also be amended to read "Subchapter A—Animal Welfare."

[2] The name and address of the Veterinarian in Charge for the State concerned can be obtained by writing to the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

Walking Horse at a horse show or exhibition shall complete and submit to the show operator an entry form, as prescribed in § 11.26, prior to the calling of the class.

§ 11.4 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be the boots commonly known as hinged quarter boots. The lower portion of the boot shall be firmly attached by means of a strap and buckle or similar humane device to the foot below the corium. The upper half of the boot shall be attached to the lower half by a hinge which shall be of leather or other soft material and shall not be in excess of 1 inch in length. The upper half of the boot shall be constructed in such a way that the inside, in contact with the skin, shall be soft, smooth, and free of projections of any nature. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a buckling device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress, and inflammation of any part of the horse.

§ 11.5 Inspection of horses.

For the effective enforcement of the Act—

(a) Each horse owner and other person having custody of any horses shall allow any Division representative to inspect the horses in his custody at such reasonable times and places as the Division representative may designate, while such horses are being moved in commerce or thereafter.

(b) Each horse owner and other person having custody of any horses shall allow any Division representative, the show operator and any veterinarian designated under § 11.20 to inspect such horses at such reasonable times and places as such inspector may require while the horses are at any horse show or exhibition.

(c) When any Division representative, in writing, notifies the owner of any horse or other person having custody of the horse, that inspection of such horse is required to be made after the horse has been shown or exhibited at any horse show or exhibition, such horse shall not be moved from the horse show or exhibition premises unless the owner or other custodian makes the horse available for inspection by a Division representative at a time and place agreeable to the Division representative.

(d) The person having custody of the horses shall render such assistance as the inspector may reasonably request for purposes of such examinations.

§ 11.6 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Division representative, the show operator, and any veterinarian employed under § 11.20, to all areas of barns, compounds, and other portions of the show grounds at any horse show or exhibition or similar areas adjacent to the show grounds, and vans or trucks on any such grounds or areas, where any horse in his custody is located, upon the request and identification of such representative, operator or veterinarian for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND OPERATORS

§ 11.20 Prohibition concerning horse show or exhibition sponsors and operators.

It is unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited any horse which is sored, unless:

(a) The sponsoring organization designates a veterinarian to examine all horses entered in the horse show or exhibition to determine whether they are sored and instructs him that his services are to assure compliance with the Act;

(b) The veterinarian examines every horse entered in any class at the horse show or exhibition immediately prior to calling of such class, in whatever way is necessary to determine whether such horse is sored, and he inspects any horse at the show or exhibition as such other times as is necessary for such purpose;

(c) The veterinarian reports his findings to the show judge and show operator, in writing, before the class is called and sends in a copy of his findings to the Veterinarian in Charge for the State in which the horse show or exhibit is held, within 72 hours following conclusion of the show or exhibition.

(d) The show operator immediately causes to be removed from participation in any class at the show or exhibition all horses designated by the veterinarian as being sored or otherwise found by the show operator to be sored.

§ 11.21 Notice of horse show or exhibition.

(a) The sponsoring organization for any horse show or exhibition in which there will be any Tennessee Walking Horses, shall, by letter, no later than 30 days prior to the beginning of the show or exhibition, notify the Veterinarian in Charge for the State where the horse show or exhibition is to be held concerning its intent to conduct such show or exhibition. Such letter of intent shall include the following information:

(1) Dates, times, and place of the horse show or exhibition.

(2) Sponsoring organization; and name, address, and telephone number of any person designated by such organization to maintain records as required by § 11.22 on behalf of the organization.

(3) Show operator's name, address, and telephone number.

(4) Statement that the sponsoring organization and the show operator will comply with the Act and the rules and regulations thereunder and will direct all employees and agents of the sponsoring organization to comply with such provisions.

(5) Name, address, and telephone number of the veterinarian, if any, employed to make inspections under § 11.20.

(6) Name and address of the judge selected to officiate at the horse show or exhibition.

(b) The letter required by paragraph (a) of this section shall be signed by an authorized representative of the sponsoring organization, and by the show operator.

§ 11.22 Records required; and disposition thereof.

(a) Copies of all entry forms filed by exhibitors as required by § 11.3 shall be kept by the sponsoring organization of any horse show or exhibition in which there is any Tennessee Walking Horse, or by the designee of such organization, for a period of 1 year after the closing date of the horse show or exhibition, unless the Director in writing in specific cases authorizes their disposition within such period. Further, when the Director notifies the sponsoring organization, or its designee, in writing that specific records are needed for completion of an investigation or proceeding under the Act, such sponsoring organization, or designee, shall keep such records until their disposition is authorized by the Director.

§ 11.23 Inspection of records.

(a) Upon request and during ordinary business hours, or such other times as may be agreed upon, the sponsoring organization and any designee thereof, shall permit any Division representative to examine all records required to be kept by the regulations in this part, and to make copies of such records. A room, table, or other facilities necessary for proper examination of the records, shall be made available to the Division representative.

§ 11.24 Access to premises for inspection of horses.

The sponsoring organization and the show operator of any horse show or exhibition shall, without fee, charge, assessment or other compensation, provide unlimited access to the Division representative to the grandstands and all other areas of the show or exhibition grounds and adjacent areas under their control on the request and after identification of such representative for purposes of inspection of horses or records as provided in this part.

§ 11.25 Reporting by show operator.

The show operator of any horse show or exhibition shall report by mail, within 72 hours following the conclusion of the horse show or exhibition, to the Veterinarian in Charge for the State where the show or exhibition was held, the name and description of each horse that was deemed by the veterinarian or by the show operator to be sored, or was found by the show operator to have been handled otherwise in violation of § 11.2 or was excused for any reason from any Tennessee Walking Horse class; the names and addresses of the owners, riders, and trainers of all such horses, and the classes in which such horses were entered.

§ 11.26 Entry forms.

(a) The show operator shall require each exhibitor of a Tennessee Walking Horse at any horse show or exhibition to execute an entry form showing the following information:

(1) Horse's name; and registration number, if any.

(2) Horse's breed, age, sex, color, markings, and height.

(3) Address of home barn of the horse; and location from which the horse was transported to the show or exhibition.

(4) Exhibitor's signature and address.

(5) Signature and address of the principal person other than the exhibitor who will have custody of the horse at the horse show or exhibition, as agent of the exhibitor.

(6) Class(es) entered.

(7) Entry number.

(8) Stall and barn number at the horse show or exhibition.

TRANSPORTATION

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

(a) It is unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, in commerce, for the purpose of showing or exhibition, any horse, shall allow and assist in the inspection of any such horse as provided in § 11.5 and shall furnish to any Division Representative upon his request and in the manner requested the following information:

(1) Name and address of horse owner, and of shipper if different than the owner or trainer;

(2) Name and address of horse trainer;

(3) Name and address of carrier transporting the horse, and of driver of the means of conveyance used;

(4) Origin of the shipment and date thereof;

(5) Destination of shipment.

ENFORCEMENT

§ 11.41 Violations and penalties.

A violation of any provision of the Act or the regulations in this part is unlawful and any person committing such a violation is subject to a civil penalty up to $1,000 or criminal penalties up to $2,000 and 6 months' imprisonment for each such violation, as prescribed in section 6 of the Act.

Statement of considerations. After passage of the Horse Protection Act of 1970 meetings held with various segments of the affected industry have provided the Department with many divergent views and considerable factual information as to the possible methods of diagnosis of soring and enforcement of the Act. Consideration has been given to the views expressed and the foregoing regulations are proposed on the basis of the information presently available in an effort to effectuate the purposes of the Act in a practical manner.

One of the areas of great concern and the most frequently mentioned had to do with the scope of the Act. Since no specific breed was mentioned in the Act, much discussion was had as to what was meant by the word "horse" as used in the Act. Many horsemen felt that the thrust of the Act was directed toward the Tennessee Walking Horse. Others felt that since no mention of breeds was made in the Act, it was applicable to all breeds of horses.

On the basis of the information available, and giving due consideration to the magnitude of the problem of enforcement of the Act in relation to the monies authorized, it is proposed that enforcement of the Act will be directed, initially, toward enforcement with respect to the breed known as the Tennessee Walking Horse, and some of the regulations proposed are limited to horse shows and exhibitions which have Tennessee Walking Horse classes. However, the provisions of the Act are equally applicable to other breeds.

A great deal of information has been offered regarding the use and purpose of the boot as used on the Tennessee Walking Horse. Although the boot was often described as a protective device, it appears that the type of boot commonly in use and often referred to as the "action boot" is no longer used for protection but, in fact, has become a device used to cause or intensify pain to the horse in the pastern area by virtue of its up and down and spinning movements. It further appears that boots referred to as "bell boots" act as a cover or screen, hiding the visible signs of soring. The use of such devices is deemed to be contrary to the purposes of the Act on the basis of current information. Accordingly the use of such devices is prohibited in the proposed regulations.

Horse show operators have expressed concern since the Act specifies, "It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored." The feeling expressed was that show management would be held responsible for actions done by others. The Department is informed that management has always had the right to excuse horses for various reasons and that this requirement of the law does not impose an unusual responsibility. It would be impossible to excuse horse show operators from responsibility by regulation when the Act is explicit in its application in this regard.

Statements have been offered relative to horse inspection and methods of accomplishing it. It has been stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to the horse is permitted to handle the feet and legs of horses. On the contrary it has been contended that permission to inspect in any manner that the inspector desires is inherent in the Act, and that to authorize inspection and then limit what can be done in the way of inspectional procedures would be self-defeating action. The proposed regulations provide for inspection by any means reasonably deemed necessary by the inspector.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the FEDERAL REGISTER. The final determination as to the provisions to be included in the regulations will be based on all information available to the Department at the end of such period.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of June 1971.

F. J. MULHERN,
Acting Administrator.

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