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54617-54918

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WEDNESDAY, NOVEMBER 22, 1978



highlights

SUNSHINE ACT MEETINGS 54775

VETERANS

VA proposes regulation providing for the buying back of educational assistance entitlement received during breaks between terms, quarters or semesters, if it is used for another term, quarter or semester; comments by 12-22-78 54666

DISCHARGE REVIEW BOARDS

DOD/Office of the Secretary establishes procedures to implement requirements regarding the quarterly index of decisions and preparation of decisional documents 54680

NONIMMIGRANT STUDENTS

Justice/INS permits admission for duration of status and establishes criteria and conditions of employment; effective 1-1-79 54618

ENERGY

DOE/ERA issues interim rules to permit classification of certain powerplants and installations as existing facilities; effective 11-16-78; comments by 1-15-79; requests to speak by 12-5-78; and hearing on 12-13-78 (Part IV of this issue) 54912

NATURAL GAS

DOE/ERA proposes to protect essential agricultural use from curtailment of deliveries by interstate pipelines; comments by 1-19-79; requests to speak by 12-27-78; and public hearing on 1-10-79 54660

DIRECT INVESTMENT SURVEYS

Commerce/EAB amends rules to change the treatment of trusts and to institute a mandatory reporting requirement; effective 11-22-78 54623

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

DOE/ERA proposes to reduce the level of benefits available to small refiners; comments by 1-22-79, requests to speak by 12-29-78; hearings on 1-9, 1-16 through 1-18-79 54652

DOE/ERA sets forth the entitlement purchase or sale requirements of domestic refiners for September 1978; payments by 11-30-78; monthly transaction report by 12-10-78 54689

COMMUNITY FACILITY LOANS

USDA/FmHA proposes to amend regulations concerning the bidding of specified materials for projects financed; comments by 1-22-79 54652

IMPORTED STEEL MILL PRODUCTS

Treasury/Office of the Secretary announces revised trigger prices for the first quarter of 1979, new trigger base prices, and "extras" (2 documents) 54710, 54717

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	CSC		CSA	CSC
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-5235
Code of Federal Regulations (CFR)	523-3419 523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266 523-5282
Slip Laws	523-5266 523-5282
U.S. Statutes at Large	523-5266 523-5282
Index	523-5266 523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

MORTGAGE—FUTURES

FHLBB permits Federal savings and loan associations to engage in transactions involving direct delivery of GNMA securities; effective 11-22-78 ..... **54622**

STOCKS

FHLBB proposes regulations governing option and purchase plans offered by Federal stock—chartered savings and loan associations and other converted institutions; comments by 1-24-79 ..... **54663**

PESTICIDE APPLICATIONS

EPA/OPP solicits public views concerning efficacy, environmental safety, human safety and product performance of LV and ULV methods; comments by 12-22-78 ..... **54697**

IMPROVING GOVERNMENT REGULATIONS

State issues final report implementing Executive Order No. 12044 ..... **54709**

AIRLINE DEREGULATION ACT OF 1978

CAB notifies intent to apply to cases pending at time of enactment **54670**

IMPORTED COMMODITIES

USDA/Office of the Secretary revises regulation governing the administration of an import licensing system on certain dairy product and milk chocolate crumb import quotas; effective 11-22-78 (Part III of this issue) **54900**

FOREIGN PERMITS

CAB proposes to remove the mandatory 30-day waiting period for effectiveness of orders that air carriers must abide by prior to discontinuing existing scheduled operations; comments by 12-22-78 and 1-8-79 ..... **54654**

LEASED AIRCRAFT FOR AIR SHOWS

DOD/AF establishes rule on the responsibilities of personnel and contractors involved; effective 8-30-78 ..... **54625**

PRIVATE LAND MOBILE RADIO SERVICES

FCC amends and consolidates rules; effective 2-2-79 (Part II of this issue) **54788**

FOREIGN FISHING

Commerce/NOAA increases optimum yield and incremental apportionment of total allowable level in the Bering Sea and Northeast Pacific; effective 11-16-78 ..... **54637**

SURF CLAM FISHERY

Commerce/NOAA extends moratorium prohibiting entrance of additional vessels for 1 year; effective 11-17-78 ..... **54638**

HEARINGS—

HEW: Universal Social Security Coverage Study, 12-19-78, 1-10, 1-24, 2-6, 2-8, 3-6, 3-20, and 4-13-79 ..... **54698**

MEETINGS—

CRC: Regional Advisory Committees, 12-8, 12-14, and 12-15-78 ..... **54677**
West Virginia Advisory Committee, 12-6-78 ..... **54677**
Wisconsin Advisory Committee, 12-19-78 ..... **54677**
Commerce: Electromagnetic Radiation Management Advisory Council, 12-7-78 ..... **54678**
Office of the Secretary: Commerce Technical Advisory Board, 12-6 and 12-7-78 ..... **54678**
National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials, 12-8-78 ..... **54678**
DOD/Army: Army Science Board/Air Force Scientific Advisory Board, 12-8-78 ..... **54705**

Office of the Secretary: Defense Science Board Task Force, 12-14 and 12-15-78 54679
Defense Science Board Task Force on Enduring Strategic Communications, Command and Control and Intelligence, 12-18 and 12-19-78 54679
Department of Defense Wage Committee, 1-2, 1-9, 1-16, 1-23, and 1-30-79 54680
HEW/National Institute of Education; Panel for the Review of Laboratory and Center Operations, 12-9 and 12-10-78 54699
Office of the Secretary: Advisory Council on Education Statistics; 12-7 and 12-8-78 54699
Interior/Office of the Secretary: Pacific Regional Board, 12-13-78 54703
Justice/INS: Federal Advisory Committee on Immigration and Naturalization, 12-7 and 12-8-78 54618
National Commission for the Review of Antitrust Laws and Procedures: Final report to the President and the Attorney General, 12-7-78 54705
NFAH: Special Projects Advisory Committee, 12-8 and 12-9-78 54705
NRC: Advisory Committee on Reactor Safeguards, 12-7 through 12-9-78 54706
State/AID: Joint Research Committee of the Board for International Food and Agricultural Development, 12-12 and 12-13-78 54710
USDA/AMS: Plant Variety Protection Board, 12-12 and 12-13-78 54668

SEPARATE PARTS OF THIS ISSUE

Part II, FCC 54788
Part III, USDA 54900
Part IV, DOE/ERA 54912

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Meetings:
International Food and Agricultural Development 54710

AGRICULTURAL MARKETING SERVICE

Rules

Oranges, grapefruit, tangerines, and tangelos grown in Fla 54617
Oranges (navel) grown in Ariz. and Calif 54618

Proposed Rules

Milk marketing orders:
St. Louis-Ozarks 54642

Notices

Meetings:
Plant Variety Protection Board 54668

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Federal Grain Inspection Service; Foreign Agricultural Service.

AIR FORCE DEPARTMENT

Rules

Aircraft leased for air shows; USAF responsibilities..... 54625

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Rules

Wine labeling and advertising:
Definitions; appellation of origin, grape type designations, etc.; correction 54624

ANTITRUST LAWS AND PROCEDURES, NATIONAL COMMISSION FOR REVIEW

Notices

Meeting 54705
Written statements to the Commission; closing date extension 54705

ARMY DEPARTMENT

Notices

Meetings:
Army Science Board/Air Force Scientific Advisory Board 54679

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
Special Projects Advisory Committee 54705

CIVIL AERONAUTICS BOARD

Rules

Organization and functions:
Accounts and Statistics Bureau et al., Director; delegation of authority 54623
Accounts and Statistics Bureau; transfer of functions... 54622

Proposed Rules

Foreign air carriers permits; terms, conditions and limitations; waiting period for discontinuance of operation schedules 54654

Notices

Airline Deregulation Act of 1978; applicability to pending cases 54670
Charters:
Canadian foreign air carriers; charter authority 54669
Hearings, etc.:
Quebecair 54671
Transportes Aereos Bolivianos 54673
United Air Lines, Inc., et al..... 54675
Western Air Lines, Inc., et al 54676

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
Alabama et al..... 54677
Colorado et al 54677
West Virginia 54677
Wisconsin 54677

COMMERCE DEPARTMENT

See also Economic Analysis Bureau; Maritime Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.

Notices

Meetings:
Commerce Technical Advisory Board 54678
National Voluntary Laboratory Accreditation Criteria Committee for Thermal Insulation Materials 54678

DEFENSE DEPARTMENT

See also Air Force Department; Army Department.

Notices

Discharge Review Boards; quarterly index, procedures 54680
Meetings:
Science Board task forces (2 documents) 54679
Wage Committee..... 54680

DELAWARE RIVER BASIN COMMISSION

Notices

Pioneer Metal Finishing., Inc., et al., hearing..... 54680

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances:
Ciba-Geigy Corp. et al 54704

ECONOMIC ANALYSIS BUREAU

Rules

Direct investment surveys; treatment of trusts 54623

ECONOMIC REGULATORY ADMINISTRATION

Rules

Powerplant and industrial fuel use:
Transitional facilities 54912

Proposed Rules

Natural gas:
Priority for essential agricultural uses..... 54660
Petroleum allocation regulations, mandatory:
Small refiner bias; level of benefits reduction 54652

Notices

Crude oil, domestic; allocation program; 1978; entitlement notices:
September 54689

ENERGY DEPARTMENT

See Economic Regulatory Administration; Federal Energy Regulatory Commission.

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation plans; delayed compliance orders:
New Jersey 54626

Notices

Pesticide application; "low volume" and "ultra-low volume" method; inquiry 54697

FARMERS HOME ADMINISTRATION

Proposed Rules

Loan and grant programs:
Community facility loans..... 54652

CONTENTS

FEDERAL COMMUNICATIONS COMMISSION

Rules

Land mobile radio services, private:
Consolidation and transfer of regulations 54788

Proposed Rules

Telephone network, connection of terminal equipment:
National defense and security, etc.; registration exceptions; extension of time 54666

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Rules

Practice and procedure:
Development and review of rules and regulations; correction 54665

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster and emergency areas:
California 54699

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
Cities Service Gas Co 54681
Columbia Gas Transmission Corp., et al 54681
El Paso Natural Gas Co 54681
Illinois Power Co 54682
Iowa Power & Light Co. (2 documents) 54683
Natural Gas Pipeline Co. of America 54683
Northwest Pipeline Corp 54684
Ohio Power Co 54684
Panhandle Eastern Pipe Line Co 54684
Texas Eastern Transmission Corp. et al 54685
Transcontinental Gas Pipe Line Corp 54686
Utah Power & Light Co., et al 54686
Washington Water Power Co 54689

FEDERAL GRAIN INSPECTION SERVICE

Notices

Grain standards; inspection points:
Iowa 54668

FEDERAL HOME LOAN BANK BOARD

Rules

Federal savings and loan system:
Mortgage-futures transactions 54622

Proposed Rules

Federal savings and loan system, etc.:
Stock option and stock purchase plans 54663

FEDERAL RAILROAD ADMINISTRATION

Notices

Hazardous materials transportation:
Consolidated Rail Corp.; emergency prohibition; correction 54710

FISH AND WILDLIFE SERVICE

Rules

Fishing:
Tewaukon National Wildlife Refuge, N. Dak 54639

FOREIGN AGRICULTURAL SERVICE

Rules

Import quotas and fees:
Licensing system 54900

GENERAL SERVICES ADMINISTRATION

Rules

Property management; Federal:
Motor vehicles; acquisition of fuel-efficient light trucks 54632
Transportation payment data, reporting requirements 54636

GEOLOGICAL SURVEY

Notices

Coal land classifications:
Colorado 54700

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also National Institute of Education; Social Security Administration; Universal Social Security Coverage Study.

Notices

Meetings:
Education Statistics Advisory Council 54699

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Immigration regulations:
Students, nonimmigrant; admission for duration of status 54618

Notices

Meetings:
Immigration and Naturalization Federal Advisory Committee 54704

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Land Management Bureau.

Notices

Environmental statements; availability, etc.:
Alaska National Interest Lands 54703
Meetings:
Outer Continental Shelf Advisory Board 54703

INTERNAL REVENUE SERVICE

Notices

Authority delegations:
Deputy Commissioner et al.; requests by State tax officials for returns 54748

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Apparatus for continuous production of copper rod 54703
Pump top insulated containers 54704

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 54748
Motor carriers:
Irregular route property carriers; gateway elimination 54748
Temporary authority applications (2 documents) ... 54758, 54767
Transfer proceedings 54774
Railroad freight rates and charges; various States, etc.:
Nebraska 54774

JUSTICE DEPARTMENT

See Drug Enforcement Administration; Immigration and Naturalization Service.

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Colorado (2 documents) 54700, 54701
Montana 54700
New Mexico (3 documents) 54701
Wyoming (2 documents) 54701, 54702
Motor vehicles, off-road; area closures:
California 54702
Survey plat filings:
Wetland-riparian area protection and management; policy and protection procedures; interim guidelines; correction 54700

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests (2 documents) 54707, 54708

MARITIME ADMINISTRATION

Notices

Applications, etc.:
Fillmore Tanker Corp 54679

NATIONAL INSTITUTE OF EDUCATION

Notices

Meetings:
Laboratory and Center Operations Review Panel 54699

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Fishery management and conservation:
- Foreign fishing; and herring gillnet fisheries in Bering Sea etc.; optimum yield increase 54637
- Surf clam and ocean quahog fisheries, Atlantic; surf clam vessel moratorium, extension 54638

Marine mammals:
- Turtles, loggerhead and ridley; endangered and/or threatened species 54639

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Notices

Meetings:
- Electromagnetic Radiation Management Advisory Council 54678

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
- Arizona Public Service Co., et al 54705
- Northern States Power Co 54706
- Virginia Electric & Power Co. et al 54707

Meetings:
- Reactor Safeguards Advisory Committee 54706

POSTAL RATE COMMISSION

Notices

Visits to postal facilities 54708

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Old-age, survivors, and disability insurance:
- Benefits; eligibility requirements, determination of amounts, etc.; correction 54666

STATE DEPARTMENT

See also Agency for International Development.

Notices

Improving Government regulations 54709

TRANSPORTATION DEPARTMENT

See Federal Railroad Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

Notices

Steel mill products; imported:
- Trigger base price and extras, new and adjusted 54717
- Trigger prices, first quarter 54710

UNIVERSAL SOCIAL SECURITY COVERAGE STUDY

Notices

Hearings 54698

VETERANS ADMINISTRATION

Proposed Rules

Vocational rehabilitation and education:
- Buying back of entitlement; educational assistance 54666

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

6 54900
905 54617
907 54617

PROPOSED RULES:

1062 54642
1933 54652

8 CFR

214 54618

10 CFR

515 54912

PROPOSED RULES:

211 54652
580 54660

12 CFR

545 54622

PROPOSED RULES:

302 54665
552 54664
563b 54664

14 CFR

384 54622
385 54623

PROPOSED RULES:

213 54665

15 CFR

806 54623

20 CFR

PROPOSED RULES:

404 54666

27 CFR

4 54624

32 CFR

862 54625

38 CFR

PROPOSED RULES:

21 54666

40 CFR

65 54627

41 CFR

Ch. 101 (2 documents) 54632

47 CFR

89 54788
90 54788
91 54788
93 54788

PROPOSED RULES:

68 54666

50 CFR

33 54639
222 54639
227 54639
611 54637
652 54638

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING NOVEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during November.

1 CFR

Ch. 1 50845
462 52457

3 CFR

EXECUTIVE ORDERS:

11157 (Amended by EO 12094) .. 51379
11562 (Amended by EO 12098) .. 53411
11846 (Amended by EO 12102) .. 54197
11945 (See EO 12098) 53411
12054 (Amended by EO 12090) .. 50997
12059 (Amended by EO 12097) .. 52455
12061 (Amended by EO 12091) .. 51373
12071 (Amended by EO 12100) .. 54193
12076 (Amended by EO 12099) .. 54191
12084 (Amended by EO 12097) .. 52455
12090 50997
12091 51373
12092 51375
12093 51377
12094 51379
12097 52455
12098 53411
12099 54191
12100 54193
12101 54195
12102 54197

MEMORANDUMS:

October 30, 1978 50995

PROCLAMATIONS:

4608 53701

4 CFR

331 52693

5 CFR

213 .... 51381-51383, 51753, 53703, 53704
300 51753
713 52694
890 ..... 52459, 52460

PROPOSED RULES:

334 53761

6 CFR

PROPOSED RULES:

705 51938

7 CFR

6 ..... 50999, 54900
26 52019
271 54199
273 54199
282 54215
634 50845
722 54216
905 ..... 52197, 53027, 54217, 54617
907 54617
906 ..... 50866, 51000
910 ..... 52462, 53705
944 52197
946 52199
966 52199
971 53704
989 50866
1004 53413

7 CFR—Continued

1030 51383
1207 51000
1464 54218
1822 51385
1900 52462
1933 52462
1980 53413
2852 51753

PROPOSED RULES:

225 51806
273 54253
401 52722
416 52723
651 53443
906 54254
917 52728
981 51405
1062 54642
1099 51405
1135 52496
1435 51026
1496 51406
1804 52496
1933 54652

8 CFR

214 54618

9 CFR

73 52466
92 53706
97 ..... 52466, 53706
307 ..... 51386, 51754
350 51386
351 51386
354 51386
355 51386
362 51386
381 ..... 51386, 51754

10 CFR

Ch. II 53414
Ch. III 53414
20 ..... 52202, 54081
21 52202
40 52202
51 53027
73 52202
205 51755
300 51956
515 54912

PROPOSED RULES:

40 54255
50 54255
70 54255
75 54255
150 54255
205 53256
211 ..... 52104, 52186, 54081, 54652
212 ..... 52186, 54256
435 54512
500 53974
501 53974

10 CFR—Continued

PROPOSED RULES—Continued

502 53974
503 53974
505 53974
580 54660
1040 53658

12 CFR

201 ..... 50867, 53707, 53708
204 52202
205 53708
226 ..... 52695, 52696
250 53414
262 52203
265 52203
329 54081
526 53415
545 ..... 53415, 54622
563 53415
564 53415
701 54220

PROPOSED RULES:

12 50917
208 50914
302 ..... 53042, 54665
344 51638
526 52254
545 52254
552 ..... 53762, 54664
563b 54664
701 ..... 51407, 54100

13 CFR

PROPOSED RULES:

120 53765
308 52432

14 CFR

11 52203
23 52495
25 ..... 52495, 54082
39 ..... 51001, 51004, 52207-52213, 53415-53417, 54082
71 ..... 51005-51010, 53418, 53419
73 ..... 51010, 51011, 52214, 52467
75 51012
97 53419
121 52205
127 52206
133 52206
137 52206
139 52206
221 52697
241 53647
242 53649
249 53649
250 53028
291 53628
302 52021
384 54622
385 ..... 53649, 54623
1208 52214

14 CFR—Continued

PROPOSED RULES:

39 54100
47 54101
71 ..... 51026, 51029, 52496, 53446-53449
73 52496
75 51030
91 54101
213 54665
221 54102
298 52182
302 54102
380 53450
399 54102

15 CFR

16 51615
371 52215
376 52215
399 52215
806 54623

PROPOSED RULES:

15 53765
90 51806

16 CFR

2 51757
3 51757
13 ..... 51013, 52216, 52467
1202 53709
1701 53711

PROPOSED RULES:

13 ..... 51031, 53450, 53767
440 54103
455 52729
460 51038
1205 51038

17 CFR

32 ..... 52467, 54220
201 52216
211 ..... 50868, 52217, 54228
230 ..... 52022, 54229
231 ..... 52022, 53246
239 54229
241 ..... 52697, 53246
270 50869
271 52022

PROPOSED RULES:

1 53450
30 52729
230 53251
240 ..... 53251, 54256
250 53251
260 53251

18 CFR

1 52219

PROPOSED RULES:

2 53270
154 53770
157 53270
270 53270
271 53270
273 53270
274 53270
275 53270
276 53270
284 53270
703 54262
707 54262

19 CFR

4 54234
153 52022
158 53713
159 ..... 52485, 53421-53425

PROPOSED RULES:

4 53453
6 53453
10 53453
11 53461
111 53461
123 53453
133 53461
148 53461
162 ..... 53453, 53461
171 53453

20 CFR

404 ..... 53713, 54083, 54087
416 54235

PROPOSED RULES:

404 ..... 51410, 52936, 54666
416 51410

21 CFR

5 51758
73 54235
81 ..... 54235, 54236
105 52690
173 54237
184 54238
520 52700
540 52700
558 ..... 52701, 53716, 54240
561 54088
809 52701
820 52701

PROPOSED RULES:

10 51966
12 51966
13 51966
14 51966
15 51966
16 ..... 51966, 52731
54 52731
71 52731
170 52731
171 52731
180 52731
310 ..... 52731, 52732
312 52731
314 52731
320 52731
330 52731
350 51806
358 51546
361 52731
430 52731
431 52731
510 52731
511 52731
514 52731
570 52731
571 52731
601 52731
630 52731
1003 52731
1010 52731

22 CFR

42 51013

PROPOSED RULES:

51 51410

23 CFR

480 54074
635 53717

PROPOSED RULES:

170 51040
173 51040
420 51040
620 51040

24 CFR

1914 ..... 50874, 51013
1915 50879
1917 .. 50879-50903, 51386, 51617-51628

PROPOSED RULES:

1917 51411-51427

25 CFR

20 52227
36 52023

PROPOSED RULES:

231 51806

26 CFR

1 ..... 51387, 54089
6 ..... 52027, 54090
54 53718
141 53718
601 53029

PROPOSED RULES:

1 ..... 50920, 51428, 52734, 53045, 54103, 54265
7 50920
55 54103

27 CFR

4 00000

PROPOSED RULES:

4 54265
5 54265
7 54265
194 51808
197 51808
201 51808
250 51808
251 51808
252 51808

28 CFR

45 52702

PROPOSED RULES:

16 51816
301 52498

29 CFR

Ch. XVI 53426
1910 ..... 51760, 52952, 54354
1953 51761
1956 51389

PROPOSED RULES:

56 53771
1202 52032
1206 54267
1404 ..... 52500, 53466

29 CFR—Continued

PROPOSED RULES—Continued

2200 53774
2201 53774
2520 54268
2700 53045
2701 53470

30 CFR

41 51761
55 54065
56 54066
57 54067
75 54241
250 50903

PROPOSED RULES:

46 53774
715 ..... 50921, 52734
717 52734

31 CFR

129 51629
500 51763
515 51762

PROPOSED RULES:

500 53016
515 53021
520 53023

32 CFR

Ch. I 51391
361 52228
362 52230
832 ..... 51763, 51765
862 54625

PROPOSED RULES:

Ch. I 52032

33 CFR

1 54186
6 53427
117 52235
121 53427
125 53427
165 53427
223 52236

PROPOSED RULES:

117 53472
183 53471
207 53045
209 54269

37 CFR

201 54247
301 53719

38 CFR

3 51015
21 52486
36 ..... 51015, 53728

PROPOSED RULES:

2 54104
21 ..... 54104, 54666

39 CFR

111 ..... 51016, 51017
257 53428

40 CFR

52 ..... 51393, 51767-51780, 52029, 52237, 52239, 52702, 53031, 53035, 53439, 54247

40 CFR—Continued

55 54248
62 ..... 51393, 52241
65 ..... 51782, 51783, 52030, 52031, 52241, 52242, 52704-52706, 53037, 54273-54278, 54627
86 52914
162 52031
180 ..... 50904, 51018, 52486, 54090
600 52914
750 50905

PROPOSED RULES:

52 ..... 51817, 52033, 52747, 53472, 54269
65 ..... 50921, 51042, 52255, 52500, 52748-52753, 53473, 54273-54278

41 CFR

Ch. 101 54632
1-1 53729
1-9 53440
3-1 54250
3-3 54250
5A-1 51395
5A-2 51396
5A-3 51397
5A-6 51398
5A-7 51398
5A-16 51398
5A-19 51398
5A-72 51399
5A-73 51399
5A-76 51399
5B-2 53440
5B-3 50907
60-1 51400
60-2 51400
60-4 51401
60-30 51401
60-40 51401
60-50 51401
60-60 51401
60-250 51402
60-741 51402

PROPOSED RULES:

Ch. I 52032
101-17 52502
101-26 51429
101-29 52503
101-38 51429
101-40 51817

42 CFR

50 52146
51b 52707
56a 51532
57 52487
71 53039
441 52071

PROPOSED RULES:

405 ..... 51822, 52256
419 52256
456 50922

43 CFR

PROPOSED RULES:

2540 51043
2740 51043
9180 51043

45 CFR

46 ..... 51559, 53652
95 53039
116d 52676
205 52174
220 52174
222 52174
228 52174
282 53730
801 51784
1068 52438
1350 51785
1602 51785
1609 51788
1620 51789

PROPOSED RULES:

46 53950
114 51431
115 51431
139 53781
144 52128
175 52128
176 52128
160b 51431
160i 51432
161j 53046
169 51260
186 51432
187 51432
188 51432
205 54105
224 53778
1069 53474
1321 53782

46 CFR

197 53678
308 54090
390 51636

PROPOSED RULES:

Ch. IV 53046
25 52261
32 53474
34 52261
76 52261
95 52261
108 52261
151 53474
162 52261
181 52261
193 52261
276 51045

47 CFR

Ch. II 53440
0 ..... 51791, 52243, 52244, 54096
1 ..... 53733, 54096
15 54097
21 ..... 52245, 52246
23 52245
25 52245
73 ..... 51790, 53733, 53742, 54097
74 51790
76 ..... 51791, 53742
78 52245
81 52246
83 ..... 51790, 52492
87 52245
89 54788
90 54788
91 ..... 51018, 53040, 54788
93 54788

47 CFR—Continued

PROPOSED RULES:

0 54106
1 53474
2 51649
5 54106
15 ..... 51650, 51652
21 54106
23 54106
25 54106
42 52263
43 52263
68 54666
73 ..... 51655, 53475, 54106, 54109, 54110, 54111, 54279
74 54106
78 54106
81 ..... 51047, 51048, 54106
87 54106
89 54106
91 54106
93 54106
94 54106

47 CFR—Continued

PROPOSED RULES—Continued

95 ..... 51048, 54106
97 ..... 51048, 54106
99 54106

48 CFR

PROPOSED RULES:

28 51432

49 CFR

99 54251
106 51020
107 51020
171 51020
172 51020
173 51020
174 51020
175 51020
177 51020
178 51020
225 51020
395 52246
501 51022
571 ..... 52246, 52493, 53440

49 CFR—Continued

1033 .. 50907, 51023-51025, 51402, 54098
1034 51404
1056 51805
1100 50908

PROPOSED RULES:

195 52504
571 ..... 51657, 51677, 52264, 52268
572 53478
576 53479
1201 51052

50 CFR

32 51025
33 ..... 54098, 54639
222 54639
227 54639
611 ..... 51637, 52709, 54637
651 ..... 52252, 53040
652 ..... 54252, 54638
672 52709

PROPOSED RULES:

23 50928
260 53047
611 ..... 50928, 51053, 52034
671 52034

FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
50845-50994	Nov. 1	52019-52196	8	53411-53699	16
50995-51372	2	52197-52454	9	53701-54079	17
51373-51594	3	52455-52692	13	54081-54189	20
51595-51751	6	52693-53025	14	54191-54716	21
51753-52017	7	53027-53410	15	54717-54918	22

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—
Tobacco Loan Program (2 documents); comments by 11-27-78 ..... 44542-6; 9-28-78

Farmers Home Administration—
Planning and performing development work; thermal insulation standards; comments by 12-1-78 ..... 52496; 11-13-78

Food Safety and Quality Service—
Gladiolus Corms (Bulbs) U.S. grade standards; comments by 11-30-78 ..... 19857 5-9-78

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Definition of other severely handicapped; comments by 11-29-78.... 45413; 10-2-78

CIVIL SERVICE COMMISSION

Nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal assistance; comments by 11-27-78 ..... 43465; 9-26-78

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—
U.S. fishery conservation zone; foreign fishing; comments by 11-27-78 ..... 51053; 11-2-78

COMMODITY FUTURES TRADING COMMISSION

Delegation of authority to deny registration; comments by 12-1-78.... 53450; 11-16-78

Records subject to inspection and copies thereof; furnishing to Commission; comments by 11-30-78 ..... 50699; 10-31-78

CONSUMER PRODUCT SAFETY COMMISSION

Unvented gas-fired space heaters; comments extended to 11-29-78 ..... 37713; 8-24-78
[Originally published at 43 FR 6235, Feb. 14, 1978]

ENERGY DEPARTMENT

Bonneville Power Administration—
Proposed 1979 wholesale rate increase; availability of draft environmental impact statement; comments by 11-30-78. 38356; 8-25-78
Proposed wholesale power rates and opportunities for public review; comments by 11-30-78 ..... 38256; 8-25-78

ENVIRONMENTAL PROTECTION AGENCY

Alabama navigable waters; water quality standards; comments by 11-27-78. 43741; 9-27-78

Approval of administrative order permitting delay in compliance with state implementation plan requirements; comments by 11-27-78 ..... 50002; 10-26-78

Ohio; approval and promulgation of implementation plans for sulfur dioxide; comments by 11-27-78 ..... 43729; 9-27-78

State solid waste management plans; guidelines for development and implementation; comments by 11-27-78.... 38534; 8-28-78

FEDERAL COMMUNICATIONS COMMISSION

Administration of telegraphy examinations to handicapped applicants for operator licenses; inquiry; comments by 11-30-78. 37729; 8-24-78

Aeronautical radionavigation band, establishment of joint tactical information distribution system; reply comments by 11-27-78 ..... 51649; 11-6-78

Aeronautical advisory frequencies; authorization of use; reply comments by 11-27-78 ..... 49331; 10-23-78

Authorization of use of aeronautical advisory frequencies by aeronautical utility mobile stations at certain landing areas without control towers or FAA flight service stations; comments by 11-27-78 ..... 49017; 10-20-78.

Fee refunds and future FCC fees, order extending time for filing comments; comments by 12-1-78 ..... 53474; 11-16-78

FM broadcast stations; table of assignments: Hayward, Wis.; comments by 11-27-78. 46873; 10-11-78

Inquiry into commercial television network practices; reply comments by 12-1-78. 50126; 10-26-78
[Originally published at 42 FR 4992, January 26, 1977]

Limited coast stations; deletion of provisions which provide for use of telegraphy; comments by 11-29-78 ..... 51047; 11-2-78

Multiple ownership of AM, FM and television stations and CATV systems; comments extended to 11-27-78 .. 47222; 10-13-78
[Originally published at 43 FR 36978, Aug. 16, 1978]

Pollution prevention, to broaden permissible communications aboard vessel involved in large oil transfer operations; reply comments by 11-27-78 ..... 47578; 10-16-78

Telephone common carriers; reporting of detailed traffic statistics; reply comments by 12-1-78 ..... 45892; 10-4-78

Television channel assignments:
Tomah, Wis.; comments by 11-27-78. 46875; 10-11-78
Utilization of aeronautical advisory frequencies by certain ground vehicles at certain landing areas; reply comments by 11-27-78 ..... 46871; 10-11-78

FEDERAL HOME LOAN BANK SYSTEM

Federal savings and loan system, amendments relating to payments to third parties; comments by 12-1-78 ... 52254; 11-9-78

FEDERAL TRADE COMMISSION

Games of chance in food retailing and gasoline industries; modification of hiatus provision; comments by 11-30-78 ..... 48654; 10-19-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—
Certification of all 80-unit insulin products; comments by 11-27-78 ..... 32821; 7-28-78

Cheeses and Related Cheese products; comments by 11-27-78 ..... 42127; 9-19-78

Criteria for source material, allergenic products; comments 11-26-78.. 43472; 9-26-78

Current good manufacturing practice for drug products; exemptions for certain OTC drug products; comments by 11-28-78 ..... 45088; 9-29-78

Dissolution test for human and animal drugs; comments by 11-26-78.. 43468; 9-26-78

Medical devices; procedures for development of standards; comments by 11-30-78 ..... 50700; 10-31-78
[Originally published at 43 FR 32264, 7-25-78]

Pasteurized process cheese and cheese products; comments by 11-27-78. 42127; 9-19 78

Revised standard response line concentrations for tetracycline; comments by 11-28-78 ..... 44864; 9-29-78

Skim milk cheese for manufacturing, proposal to amend identity standards; comments by 11-27-78 ..... 42126; 9-19-78

X-ray intensifying screens; comments by 11-29-78 ..... 24066; 6-2-78

Health Care Financing Administration—
Entitlement to Medicare Benefits based on End-stage Renal Disease; comments by 12-1-78 ..... 44802; 9-28-78

Office of the Secretary—
Withholding of contract payments; comments by 11-27-78 ... 47217; 10-13-78

Public Health Service—
National Health Service Corps Scholarship Program; interim regulations; comments by 11-27-78 ..... 43713; 9-27-78

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Prototype cost limits for low income housing—Region IX, Calif.; comments by 11-29-78 ..... 50423; 10-30-78

Federal Insurance Administration—
Waiting period, standard flood insurance policy; comments by 11-29-78.. 50427; 10-30-78
Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—
Revision of Real Estate Settlement Procedures Act rules; comments by 12-1-78..... 39701; 9-6-78

INTERIOR DEPARTMENT

Indian Affairs Bureau—
Colorado River Irrigation Project, Arizona; revision of rates and procedures; comments by 11-27-78 ..... 51806; 11-7-78

INTERSTATE COMMERCE COMMISSION

Uniform system of accounts; branch line accounting system report; comments by 11-30-78 ..... 51052; 11-2-78

JUSTICE DEPARTMENT

Immigration and Naturalization Service—
Aliens; availability of free legal services programs; comments by 11-27-78. 43721; 9-27-78

MINE SAFETY AND HEALTH FEDERAL REVIEW COMMISSION

Participation of public in Commission proceedings; procedural rules; comments by 11-30-78 ..... 50712; 10-31-78

NUCLEAR REGULATORY COMMISSION

Domestic licensing of byproduct material; comments by 11-27-78.. 44547; 9-28-78

SECURITIES AND EXCHANGE COMMISSION

Freedom of Information Act; availability of records; comments by 11-27-78 .. 45991; 10-5-78
Pricing of publicly offered mutual fund shares; interpretation of statutory provisions; comments by 11-30-78 ..... 47492; 10-16-78
Publicly offered mutual fund shares, pricing; interpretation of statutes; comments by 11-30-78 ..... 47492; 10-16-78
Securities confirmations; comments by 12-1-78 ..... 47538; 10-16-78

TRANSPORTATION DEPARTMENT

Coast Guard—
Liquefied natural gas facilities; safety and environmental protection; comments by 12-1-78..... 34362; 8-3-78
National Highway Traffic Safety Administration—
Child restraint systems; seat belt assemblies and anchorages; changes in requirements and applicability; comments by 12-1-78 ..... 21470; 5-18-78
Child restraint systems; dynamic testing using anthropomorphic dummies representing 6-month old and 3-year old children; specifications for dummies; comments by 12-1-78 ..... 21490; 5-18-78
Federal Aviation Administration—
Special air traffic rules and airport traffic patterns; comments by 11-28-78. 44549; 9-28-78

TREASURY DEPARTMENT

Internal Revenue Service—
Amortization of certain rehbilitation costs for certified historic sites; comments by 11-29-78 ..... 50920; 11-1-78
Certain exchanges involving a foreign corporation; requirements; comments by 12-1-78 ..... 46859; 10-11-78
Income tax; regulations project relating to the requirements for creditable foreign taxes; comments by 11-27-78.. 47211; 10-13-78

VETERANS' ADMINISTRATION

Veterans education; Overpayments; Waiver or recovery; comments by 11-28-78 .... 45399; 10-2-78

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—
National Grasslands Grazing Fee Review, Boise City, Okla. (open), 11-27-78. 53481; 11-16-78
National Grasslands Grazing Fee Review, Bonham, Tex. (open), 11-28-78. 53481; 11-16-78
National Grasslands Grazing Fee Review, Cheyenne, Wyo. (open), 11-29-78. 53481; 11-16-78
National Grasslands Grazing Fee Review, Decatur, Tex. (open), 11-29-78. 53481; 11-16-78
National Grasslands Grazing Fee Review, Dickinson, N. Dak. (open), 11-27-78. 53481; 11-16-78
National Grasslands Grazing Fee Review, Madras, Ore. (open), 11-27-78.. 53481; 11-16-78
National Grasslands Grazing Fee Review, Malad, Idaho (open), 11-27-78.. 53481; 11-16-78
National Grasslands Grazing Fee Review, Rapid City, S. Dak. (open), 11-28-78 ..... 53481; 11-16-78
Office of the Secretary—
Advisory Committee on Export Sales Reporting, Portland, Ore. (open), 11-30-78 ..... 53050; 11-15-78

CIVIL RIGHTS COMMISSION

Arizona Advisory Committee, Phoenix, Ariz. (open), 12-2-78 ..... 51824; 11-7-78
Central States Region Advisory Committees, Kansas City, Mo. (open), 11-30 and 12-1-78 ..... 46826; 10-25-78
Florida Advisory Committee, Miami, Fla. (open), 12-2-78 ..... 47765; 10-17-78
Massachusetts Advisory Committee, Cambridge, Mass. (open), 12-1-78 ..... 51824; 11-7-78
Mid-Atlantic Regional Meeting, Philadelphia, Pa. (open), 11-30 and 12-1-78..... 51124; 11-2-78
Nevada Advisory Committee, Las Vegas, Nev. (open), 12-1-78 ..... 51824; 11-7-78
North Dakota Advisory Committee, Bismarck, N. Dak. (open), 11-30-78 ..... 51825; 11-7-78
Northeastern Region State Advisory Committees, Boston, Mass. (open), 12-1 and 12-2-78 ..... 49826; 10-25-78
Regional Advisory Committees, San Antonio, Tex. (open), 11-30-78 .... 51825; 11-7-78
South Carolina Advisory Committee, Columbia, S.C. (open), 11-30-78 ..... 47766; 10-17-78
Utah Advisory Committee, Salt Lake, Utah (open), 11-30-78 ..... 51825; 11-7-78
Vermont Advisory Committee, Montpelier, Vt. (open), 11-29-78 ..... 51825; 11-7-78

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—
New England Fishery Management Council, Peabody, Mass. (open), 11-29 and 11-30-78 ..... 53492; 11-16-78
South Atlantic Fishery Management Council, Charleston, S.C. (open), 11-29 and 11-30-78 ..... 52509; 11-13-78
National Telecommunications and Information Service—
Frequency Management Advisory Council, Washington, D.C. (open), 12-1-78. 52758; 11-14-78
Office of the Secretary—
Advisory Committee on Federal Policy on Industrial Innovation Advisory Subcommittee on Patents and Information, Washington, D.C. (open), 11-30-78. 50011; 10-26-78
Travel Service—
Airline Seminar, Washington, D.C. (open), 11-28-78 ..... 53492; 11-16-78

DEFENSE DEPARTMENT

Air Force Department—
USAF Scientific Advisory Board, Kirkland AFB, N. Mex. (closed), 11-30 and 12-1-78 ..... 52276; 11-9-78
Army Department—
Army Science Board, Edgewood Arsenal, Md. (partially open), 11-27 and 11-28-78 ..... 52512; 11-13-78
Navy Department—
Secretary of the Navy's Advisory Board on Education and Training, Academic Advisory Board to the Superintendent, U.S. Naval Academy, Annapolis, Md,. 11-27-78 ..... 51700; 11-6-78
Board of Advisors to the Superintendent, Naval Postgraduate School, Monterey, Calif. (open), 11-30 and 12-1-78. 45630; 10-3-78
Office of the Secretary—
DOD Wage Committee, Washington, D.C. (closed), 11-28-78 ..... 41256; 9-15-78

ENERGY DEPARTMENT

Conservation and Solar Applications Office—
Food Industry Advisory Committee, Subcommittee on Transportation and Distribution, Washington, D.C. (open), 11-29-78 ..... 52052; 11-8-78
Economic Regulatory Administration—
Gasoline Marketing Advisory Committee, Los Angeles, Calif. (open), 11-29 and 11-30-78 ..... 52044; 11-8-78
Interconnection, Wheeling, and Pooling in the Southwest, Oklahoma City, Okla. (open), 11-29 and 11-30-78 ..... 51498; 11-3-78
Intergovernmental and Institutional Relations Office—
National Energy Extension Service Board, Golden, Colo. (open), 11-28 and 11-29-78 ..... 52051; 11-8-78

ENVIRONMENTAL PROTECTION AGENCY

Administrator's Toxic Substances Advisory Committee, Washington, D.C. (open), 11-30-78 ..... 52768; 11-14-78

Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel, Houston, Tex. (open), 11-30 and 12-1-78 ..... 52282; 11-9-78

National Drinking Water Advisory Council, Philadelphia, Pa. (open), 11-30 and 12-1-78 ..... 49845; 10-25-78

FEDERAL COMMUNICATIONS COMMISSION

Broadcast Service Working Group 1979 World Administrative Radio Conference, Washington, D.C., 11-28-78 ..... 50505; 10-30-78

FINE ARTS COMMISSION

Washington, D.C. (open), 11-28-78. 51125; 11-2-78

GENERAL SERVICES ADMINISTRATION

Regional Public Advisory Panel on Architectural and Engineering Services, Auburn, Wash. (open), 11-27-78 ..... 52290; 11-9-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

Clinical Projects Research Review Committee, Washington, D.C. (partially open), 11-27 through 11-29-78. 48718; 10-19-78

Rape Prevention and Control Advisory Committee, Rockville, Md. (open), 11-27-78 ..... 47789; 10-17-78

Education Office—

Adult Education National Advisory Council, Washington, D.C. (open), 11-29-78 ..... 52528; 11-13-78

Indian Education National Advisory Council, Tulsa, Okla. (closed), 11-30-78 and Muskogee, Okla. (partially open), 12-1 and 12-2-78 ..... 52527; 11-13-78

Special Projects Program for Fiscal Year 1978; apply by 11-27-78 ..... 49055; 10-20-78

Women's Educational Programs National Advisory Council, Nashville, Tenn. (open), 11-29 through 12-2-78.. 52528; 11-13-78

National Institutes of Health—

Ethics Advisory Board, Atlanta, Ga. (open), 12-1-78 ..... 50508; 10-30-78

Biomedical Library Review Committee, Bethesda, Md. (open), 11-28 and 11-29-78 ..... 48016; 10-18-78

Clinical Trials Review Committee, Bethesda, Md. (partially open), 11-26 and 11-27-78 ..... 49852; 10-25-78

Heart, Lung, and Blood Research Review Committee B, Bethesda, Md. (partially open), 11-30 and 12-1-78 ..... 49853; 10-25-78

Heart, Lung, and Blood Research Review Committee A, Bethesda, Md. (partially open), 11-30 thru 12-2-78..... 49853; 10-25-78

Maternal and Child Health Research Committee, Bethesda, Md. (open), 11-29 and 11-30-78 ..... 48017; 10-18-78

Office of the Assistant Secretary for Health—

Technical Consultant Panel on Mental Health Statistics of the United States National Committee on Vital and Health Statistics, Washington, D.C. (open), 11-27 and 11-28-78 .. 52061; 11-8-78

United States National Committee on Vital and Health Statistics, Washington, D.C. (open), 11-29 and 11-30-78 ..... 52062; 11-8-78

INTERIOR DEPARTMENT

Fish and Wildlife Service—

Discussion of U.S. positions at Endangered Species Convention, Washington, D.C. (open), 11-28-78 ..... 50928; 11-1-78

Geological Survey—

Earthquake Studies Advisory Panel, Menlo Park, Calif. (open), 12-1 and 12-2-78 ..... 53065; 11-15-78

Land Management Bureau—

California Desert Conservation Area Advisory Committee, Riverside, Calif. (open), 11-30 through 12-2-78.. 50744; 10-31-78

California Desert Conservation Area Advisory Committee, San Bernardino, Calif. (open), 11-30 through 12-2-78. 37224; 8-22-78

National Park Service—

Draft General Management Plan for Yosemite National Park, Fresno, Calif. 11-28-78 ..... 42821; 9-21-78

Draft General Management Plan for Yosemite National Park, Sacramento, Calif. 11-30-78 ..... 42821; 9-21-78

Draft General Management Plan for Yosemite National Park, Bishop, Calif. 11-29-78 ..... 42821; 9-21-78

Draft General Management Plan for Yosemite National Park, Yosemite National Park Valley Visitor Center 11-27-78. 42821; 9-21-78

INTERNATIONAL COMMUNICATION AGENCY

Advisory Panel on Folk, Jazz, and Popular Music of the Advisory Committee on Music, Washington, D.C. (open), 11-29-78 ..... 49576; 10-24-78

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

National Advisory Committee for Juvenile Justice and Delinquency Prevention, Arlington, Va. (open), 11-30 through 12-2-78 ..... 53068; 11-15-78

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA Aerospace Safety Advisory Panel, Washington, D.C. (open), 11-30-78. 50511; 10-30-78

NASA Advisory Council, Aeronautics Advisory Committee, Subcommittee on Aviation Safety Reporting System, Moffett Field, Calif. (open), 11-29 and 11-30-78 ..... 52565; 11-13-78

NASA Advisory Council, Space and Terrestrial Applications Advisory Committee, Ad Hoc Informal Advisory Subcommittee on Weather Climate and Oceans, Greenbelt, Md. (open), 11-29 and 11-30-78.. 53068; 11-15-78

NASA Advisory Council Space Science Advisory Committee, Washington, D.C. (open), 11-27 through 11-29-78 ..... 52565; 11-13-78

NATIONAL COMMISSION ON THE YEAR OF THE CHILD

Washington, D.C. (open), 11-30 and 12-1-78 ..... 53511; 11-16-78

NATIONAL SCIENCE FOUNDATION

Applied Science and Research Applications Policy Advisory Committee, Washington, D.C. (open), 11-29 and 11-30-78. 52565; 11-13-78

Science for Citizens Subcommittee of the Advisory Committee on Science and Society, Chevy Chase, Md. and Washington, D.C (open), 11-30 and 12-1-78 ... 53566; 11-13-78

NUCLEAR REGULATORY COMMISSION

Reactor Safeguards Advisory Committee, Subcommittee on Fluid Dynamics, San Francisco, Calif. (partially open), 11-28 through 11-30-78 ..... 52566; 11-13-78

Regional State Liaison Officers, Atlanta, Ga. (open), 11-30 and 12-1-78 ..... 52070; 11-8-78

STATE DEPARTMENT

Office of the Secretary—

Advisory Committee on the 1979 World Administrative Radio Conference, Washington, D.C. (open), 11-29-78 ... 51733; 11-6-78

TRANSPORTATION DEPARTMENT

Coast Guard—

Coast Guard and Pyrotechnics Signal Manufactures Association, Inc., Washington, D.C. (open), 11-28-78 ... 53521; 11-16-78

National Boating Safety Advisory Council, Hull Identification Number Subcommittee, San Francisco (open), 12-12-78. 51733; 11-6-78

Federal Aviation Administration—

High Altitude Pollution Program Scientific Advisory Committee, Washington, D.C. (open), 11-29 through 12-1-78.. 51734; 11-6-78

Saint Lawrence Seaway Development Corporation—

Advisory Committee, Washington, D.C. (open), 12-1-78 ..... 47041; 10-12-78

VETERANS ADMINISTRATION

Veterans Administration Wage Committee, Washington, D.C. (closed), 11-30-78 ..... 40585; 9-12-78

Station Committee on Educational Allowances, Nashville, Tenn. (open), 11-27-78 ..... 50531; 10-30-78

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Melons grown in south Texas; proposed marketing agreement and order, Edinburg, Tex., 11-28-78 ..... 50685; 10-31-78

CIVIL AERONAUTICS BOARD

Baltimore/Washington-St. Louis Route Proceeding, Washington, D.C., 11-28-78 ..... 46987; 10-12-78

Former large irregular air service investigation, Washington, D.C., 11-27-78.. 47764; 10-17-78

FEDERAL TRADE COMMISSION

CORRECTION: The Wednesday, November 15, 1978, Reminders contained an entry for a hearing to be held in Washington, D.C., on 11-20-78 pertaining to restrictions on childrens' advertising. The hearing was rescheduled to 1-29-79 (See 43 FR 37203, 8-22-78).

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Strengthening Developing Institutions Program, Washington, D.C. and Bronx, N.Y., 11-27 and 11-30-78... 51260; 11-2-78

INTERNATIONAL JOINT COMMISSION

Pollution of the Great Lakes By Land Use Activities:

Toronto, Ontario, 11-28-78 and Kingston, Ontario, 11-29-78 ..... 49371; 10-23-78

LIBRARY OF CONGRESS

Copyright Office—

Compulsory license for making and distributing phonorecord, Arlington, Va., 11-28 and 11-29-78 ..... 44511; 9-28-78

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Petition from certain U.S. television licensees on unfair trade practices by Government of Canada, Washington, D.C., 11-29 and 11-30-78 ..... 49861; 10-25-78

TRANSPORTATION DEPARTMENT

Materials Transportation Bureau—

Highway routing of radioactive materials, Washington, D.C., 11-29-78 ..... 50006; 10-26-78

TREASURY DEPARTMENT

Internal Revenue Service—

Cemetery perpetual care funds; tax treatment, Washington, D.C., 11-29-78 ..... 49822; 10-25-78

List of Public Laws

NOTE: All public laws from the second session of the 95th Congress have been received and assigned law numbers by the Office of the Federal Register. The last listing appeared in the issue of November 15, 1978.

A complete listing for the full session will be published on or before December 1, 1978.

Documents Relating to Federal Grants Programs

This is a list of documents relating to Federal grants programs which were published in the FEDERAL REGISTER during the previous week.

Rules Going Into Effect:

HEW/OE—Allocation, distribution, and use of grants to State educational agencies to meet special educational needs of migratory children 52676; 11-13-78

PHS—Health Professions student loans; participation by health professions schools; effective immediately ... 52487; 11-13-78

USDA-FmHA—Appeal procedures; applicants, borrowers, and grantees affected by administrative decision; effective 11-13-78 ..... 52462; 11-13-78

Financing of community facilities and use of metering devices on water systems; equitable rates, conservation of natural resources, and clarification of regulations; effective 11-13-78 ..... 52465; 11-13-78

Deadlines for Comments on Proposed Rules:

CSA—Grantee personnel management, executive order 12044 on improving government regulations; comments by 1-15-79 ..... 53474; 11-16-78

HEW/Aging Administration—Grants for State and community programs on aging; proposal withdrawn 53782; 11-17-78

Labor/MSHA—State grants; administrative procedures; comments by 1-16-79. 53774; 11-17-78

Applications Deadlines:

HEW/OE—Strengthening Developing Institutions Program; applications by 2-2-79 ..... 53500; 11-16-78

Direct, discretionary grant programs, correction, closing dates for transmittal of applications for fiscal year 1979 (2 documents) 53500; 11-16-78

Meetings:

HEW/NIH—Bladder and Prostatic Cancer Review Committee, Bladder Subcommittee, Sarasota, Fla. (partially open), 12-16-78 ..... 53058; 11-15-78

General Research Support Review Committee, Bethesda, Md. (partially open), 12-6 through 12-8-78 ..... 53058; 11-15-78

National Cancer Institute Advisory Committees, December meetings 52526; 11-13-78

National Heart, Lung, and Blood Institute; Cooley's Anemia Research and Treatment, Arlington, Va. (partially open), 12-11-78 ..... 52526; 11-13-78

National Institute of Child Health and Human Development; Mental Retardation Research Committee, Bethesda, Md. (partially open), change in agenda for meeting of 12-11 through 12-13-78 [originally published at 43 FR 50743, 10-31-78] 52526; 11-13-78

Research Manpower Review Committee, Chevy Chase, Md. (partially open), 12-7 and 12-8-78 ..... 53058; 11-15-78

OE—National Advisory Council on Adult Education, Washington, D.C. (open), 11-29-78 ..... 52528; 11-13-78

National Advisory Council on Indian Education, Tulsa, Okla. (closed), 11-30-78 and Muskogee, Okla. (partially open), 12-1 and 12-2-78 ..... 52527; 11-13-78

National Advisory Council on Women's Educational Programs, Nashville, Tenn. (open), 11-29 through 12-2-78.. 52528; 11-13-78

NFAH—Artists-In-Schools Advisory Panel, Washington, D.C. (partially open), 12-6 through 12-8-78 ..... 53868; 11-17-78

Dance Advisory Panel, Washington, D.C. (partially open), 12-9 through 12-11-78. 53868; 11-17-78

Folk Arts Advisory Panel, Washington, D.C. (partially open), 12-7 through 12-9-78 ..... 53868; 11-17-78

Medial Arts (Production Aid) Advisory Panel, Washington, D.C. (closed), 12-11 through 12-13-78 ..... 53869; 11-17-78

Music (Planning Section) Advisory Panel, Washington, D.C. (partially open), 12-5 through 12-8-78 ..... 53869; 11-17-78

National Council on the Arts, Washington, D.C. (partially open), 12-1 through 12-3-78 ..... 53069; 11-15-78

Visual Arts (Craft Exhibition Aid/Workshops) Panel, Washington, D.C. (closed), 12-11 through 12-13-78. 53869; 11-17-78

Visual Arts (Workshops/Alternative Spaces) Advisory Panel, Washington, D.C. (closed), 12-4 and 12-5-78. 53069; 11-15-78

NSF—Applied Science and Research Applications Policy Advisory Committee, Washington, D.C. (open), 11-29 and 11-30-78 ..... 52565; 11-13-78

Applied Social and Behavioral Sciences Subcommittee of the Advisory Committee for Applied Science and Research Applications Policy, Washington, D.C. (closed), 12-4 and 12-5-78 ..... 52566; 11-13-78

Science for Citizens Program, Chevy Chase, Md. and Washington, D.C. (open), 11-30 and 12-1-78..... 52566; 11-13-78

Other Items of Interest:

LSC—Consideration of application submitted by Petersburg Legal Aid Society, Va.; comments invited 52790; 11-14-78

State/AID—Delegation of authority to principal AID officers in Africa regarding operational program grants; effective immediately 52569; 11-13-78

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 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.

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 2, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment allows each handler of Dancy variety tangerines to ship a quantity of smaller size tangerines (2$^{9}/_{16}$ inches diameter) equal to 25 percent of total shipments during the period November 20 to December 4, 1978. In the absence of this amendment only tangerines 2$^{9}/_{16}$ inches in diameter could be shipped. This action will allow an increase in the supply of tangerines during the period specified in recognition of market needs and the size composition of available supply in the interest of growers and consumers.

EFFECTIVE DATE: November 20, 1978, through December 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. (1) Pursuant to the marketing agreement and order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committee established under the marketing agreement and order, and upon other available information, it is found that the regulation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirements, herein specified, for domestic shipments reflect the Department's appraisal of the need for the amendment of the current regulation to permit handling of smaller size fresh Florida tangerines of the designated variety during the specified period based on market needs for greater supplies of such variety. Because of the growing conditions in the production area the amount of large fruit is less than anticipated and there is a need to augment the supply by permitting shipment of a proportion of the smaller sized fruit. The Dancy variety continues to size on the tree, and as the season progresses, increased quantities of such fruit is expected to meet the larger minimum size requirement. Relaxation of the minimum size requirements for a portion of each shipper's Dancy tangerine shipments will tend to promote the orderly marketing of Florida tangerines during the overlap period, when both the Robinson and Dancy varieties are being shipped.

The Citrus Administrative Committee, at an open meeting on November 14, 1978, reported that the amendment would allow shipment of approximately 45 additional carlots of Dancy variety tangerines during the specified period. The committee indicated there is a current market demand for limited quantities of smaller size Dancy tangerines, but markets presently can absorb only a portion of the supply of the smaller fruit of such variety without disruption of the markets.

The Department's Crop Reporting Board estimates the 1978-79 season's crop of Florida tangerines at 3.8 million boxes (approximately 7.6 million cartons). Hence the volume of tangerines is comparable to that of last season.

The committee projected the market demand for all varieties of fresh tangerines this season, as follows: Dancy (2,500 carlots); Robinson (1,500 carlots); Honey (2,100 carlots). Each carlot is equivalent to one-thousand cartons. The regulation, as amended, for Dancy tangerines relieves restrictions from those currently in effect, and amendment of such regulation, as hereinafter provided, will tend to avoid disruption of the orderly marketing of tangerines in the public interest.

It is concluded that the amendment of the size requirements hereinafter set forth, is necessary to establish and maintain orderly marketing conditions and to provide acceptable size fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida tangerines. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Accordingly, it is found that the provisions of § 905.302 (orange, grapefruit, tangerine and tangelo regulation 2; 43 FR 43013; 52197; 53027), should be and are amended by redesignating paragraph (d) as paragraph (e) and a new paragraph (d) is inserted reading as follows:

§ 905.302 Orange, Grapefuit, Tangerine, and Tangelo Regulation 2.

* * * * *

(d) *Percentage of size regulation applicable to Dancy variety tangerines.* Notwithstanding the provisions of table I in paragraph (a) of this section, any handler may during each of the periods November 20 through November 26, 1978, and November 27 through December 3, 1978, ship Dancy variety tangerines smaller than 2$^{9}/_{16}$ inches in diameter: Provided, That such smaller tangerines are not smaller than 2$^{9}/_{16}$ inches in diameter and: Provided further, That the quantity of such smaller tangerines does not exceed 25 percent of the quantity

shipped in the applicable prior period as determined by the procedure specified in § 905.152 (43 FR 32397) of this part.

* * * * *

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

Dated: November 17, 1978, to become effective November 20, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-32808 Filed 11-21-78; 8:45 am]

[3410-02-M]

[Navel Orange Regulation 441]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period November 24-30, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under 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 Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on November 20, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The commitee reports the market for navel oranges is not yet stabilized

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.741 Navel Orange Regulation 441.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period November 24, 1978, through November 30, 1978, are established as follows:

(1) District 1: 950,000 cartons;
(2) District 2: Unlimited Movement;
(3) District 3: 126,505 cartons.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

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

Dated: November 21, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-33124 Filed 11-21-78; 1:01 pm]

[4410-10-M]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES

Admission of Nonimmigrant Students for Duration of Status

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service to permit nonimmigrant students to be admitted for the duration of their status as students; to set forth criteria under which students may accept employment; and to provide that where students are granted permission to work under this regulation they may work full time when school is not in session, including the summer, when they are registered or are eligible and intend to register for the next succeeding school term. These amendments will eliminate the need for nonimmigrant students to apply each year for extensions of stay and summer employment, and will eliminate the need for the Service to adjudicate the large numbers of applications now required under existing regulations.

The regulation also establishes a group within the Central Office which will be responsible for coordinating activities of Service field offices and personnel in insuring compliance with and enforcement of Service laws and regulations relating to students.

These amendments are needed to facilitate the admission of nonimmigrant students and are intended to reduce the Service adjudications workload, while providing adequate immigration controls on persons here on suudent "F-1" visas.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, telephone 202-376-8373.

SUPPLEMENTARY INFORMATION: Reference is made to the notice of proposed rulemaking published in the FEDERAL REGISTER on July 26, 1978, at 43 FR 32306 concerning admission of nonimmigrant "F-1" students for duration of status. The comment period for this proposed rule was subsequently extended until September 25, 1978, by an order published in the FEDERAL REGISTER on August 28, 1978, at 43 FR 38414.

Over 150 responses were received from educational associations, university administrators, foreign student advisers, and the general public. The Service has considered carefully all of the responses which were submitted. A substantial number of the representations submitted favored the proposal in principle. However, several reservations were expressed which will be discussed below.

1. A number of representations pointed out that there was not enough time given in the proposed notice for public comment and that the implementation date of September 1, 1978, was too short to permit the schools to adequately prepare for compliance with the proposed regulations. At the time these dates were set, the Service had hoped to have the regulations implemented by the beginning of the fall

1978-79 semester. Several individuals and groups requested additional time to comment and asked that the regulations not be implemented any sooner than January 1, 1979. In response to these requests, the Service extended the comment period on this proposed regulation until September 25, 1978, and the final regulation will be published to become effective January 1, 1979.

2. Several representations objected to the proposed requirement that the foreign student adviser advise the Service when an alien student was failing to keep his passport valid for a period of 6 months. The schools and the foreign student advisers objected to this proposed requirement on grounds that it had the effect of making them enforcement officers; that the status of an alien's passport was not an academic concern; that the schools did not have the financial resources or personnel to comply with this requirement; that the matter of passport validity was one between the student and his own government; and that students who had reached college age should be responsible for their own documentation. In the light of these objections the Service will eliminate the requirement that the foreign student advisers advise the Service with respect to the validity of passports from proposed 8 CFR 214.2(f)(2) and 8 CFR 214.3(g). Instead, these checks will be performed by Service officers in the field operating under the coordination of the Central Office which will establish a unit to coordinate enforcement of the foreign student regulations throughout the United States.

3. Many representations were submitted with regard to the proposed regulations concerning the manner in which applications for student employment are to be processed by the foreign student advisers and adjudicated by the Service. Some representations suggested that the student be permitted to work as soon as the foreign student adviser certifies on form I-538 that the student applicant has complied with the criteria set forth in this regulation. Other representations suggested that the regulation provide that the action by the Service in endorsing the I-94 to state that the student may accept employment should be a pro forma action. Still other representations along this line suggested that the authorization to grant permission to work be given to the foreign student advisers. In connection with this, many foreign student advisers objected to the proposed requirement that the foreign student adviser notify the Service when the need for the student to be employed on the basis of economic necessity was no longer present because it was not possible for the foreign student adviser to be aware of the financial circumstances of each individual student. In response to these representations, the Service will clarify the amemdments to the proposed regulations on student employment in the following respects. The proposed language will be clarified so that the foreign student adviser is only certifying that the student has met criteria for work eligibility based on economic necessity. These criteria are not intended to be self-executing conditions which authorize students to work immediately when met. Nor have we any intention of delegating our authority for the adjudication of applications to accept part-time employment by students on the grounds of economic nesessity to the foreign student adviser. It would be illegal for this Service to delegate any of its legal or regulatory authority to nongovernmental personnel and to adopt the suggestion made in some representations that the student be permitted work immediately upon certification of form I-538 by the foreign student adviser or that the approval by the Service be a "pro forma" action would be to do just that. Therefore, this aspect of the proposal will be redrafted to specify that the conditions for work permission are criteria; and to provide further that the foreign student advisers may submit the forms I-538 and I-94 to the Service on behalf of the student. The Service will consider and give weight to the certification and recommendation by the foreign student advisers but will retain final and exclusive authority to grant students permission to accept employment.

The Service will not require the foreign student adviser to report when a student is no longer in need of employment as set forth in proposed 8 CFR 214.3(g). Service officers working under the coordination of the Central Office will perform periodic reviews of the student employment situation to determine whether employment which had been previously authorized on the basis of economic necessity should continue to be authorized.

4. A number of schools suggested that our proposed regulation that a student be registered for the following semester in order to qualify for summer employment would have the effect of depriving students of summer employment where the school did not have a provision for student preregistration. The Service will amend that requirement to provide that a student may be authorized to accept summer employment on the basis of economic necessity if he "has registered or is eligible and intends to register" for the following term.

5. Some representations urged that we still require students to apply annually for extensions of stay. Others recommended a regulatory requirement that the student check in with the foreign student adviser once a year. Others suggested that students be admitted for the duration of their study program, with a specific time limit rather than for duration of status as students. The Service disagrees with all of these recommendations. To require the students to apply for annual extensions of stay or provide for admission for duration of study program with a time limit instead of duration of status, would not represent a material change from the existing regulations. The purpose of the proposal is to eliminate the paperwork connected with routine applications for extension of stay or employment based on economic necessity. It is our considered judgment that the proposed regulation is the only effective way to accomplish that purpose. We also reject the suggestion that we provide by regulation for the student to visit his foreign student adviser once a year. The frequency of these visits is between the students, the advisers and the school. In our view it is not a proper area for Service regulation. Compliance with the student regulations will be effected by officers in the field under the coordination of the Central Office as described above.

6. It was suggested that the Service place in its regulations a provision which would have the effect of compelling the school administrations to give appropriate assistance to the foreign student advisers to assist them in complying with the requirements of these regulations. We do not feel it would be an appropriate exercise of regulatory authority for the Immigration and Naturalization Service to impose obligations on the administration of the schools to cooperate with the foreign Student advisers. This is a matter to be resolved by the foreign student advisers and the administrations of the various schools.

7. A small number of representations opposed publication of the proposal in any form. These representations suggested that the proposed rules would take away the control that the Service has over students because it would no longer be necessary for them to apply for extensions of stay every year. It was asserted that the duration of status manner of admission would encourage nonimmigrant students to become "professional students" and remain here indefinitely. This Service does not intend to permit abuse of this regulation. The Service will establish within the Central Office a staff of employees charged with the responsibility of coordinating enforcement of the student regulations. These employees will coordinate the work of Service inspectors and investigators in the field who will be responsible for li-

aison with the schools and foreign student advisers to insure compliance with Service regulations including the requirement that the students' passports are being maintained in accordance with the students' agreement with the Service and that the students who have been granted permission to work based on economic necessity still have a bona fide need for that employment. This capability will enable the Service to enforce the Act as required; and will at the same time permit implementation of a regulation which will eliminate the need for the processing by the Service of over 200,000 applications each year. This will provide a lessening of paperwork for the students and schools as well and facilitate the work of all concerned with the immigration and education of nonimmigrant alien students.

Accordingly, the following amendments will be made to the proposal:

1. Proposed 8 CFR 214.2(f)(2) will be amended to delete the requirement that the foreign student adviser advise the Service when an alien student is failing to keep his passport valid as required by the regulation. The reference to that reporting requirement proposed in 8 CFR 214.3(g) will likewise be deleted.

2. Proposed 8 CFR 214.2(f)(5) will be redrafted for purposes of clarification to provide that a student admitted for schooling which will take 1 year or less time will be admitted for that period of time and that a student who indicates that he requires more than 1 year to complete his academic work will be admitted for duration of status.

3. Proposed 8 CFR 214.2(f)(6) will be revised to set forth criteria which must be met by the student to enable him to accept employment under these regulations. The authorized school official will certify form I-538 that the criteria have been satisfied by the student and submit the form to the Service office. The student will have permission to accept employment when he receives the form I-94 endorsed by the Service to that effect. In addition, the part of this regulation providing for student permission to work full time when school is not in session including the summer will be amended to provide such employment may be undertaken if the student is eligible and intends to register for the following semester or school term.

4. The proposed requirement of 8 CFR 214.3(g) that the foreign student adviser advise the Service when a student no longer is in need of employment based on economic necessity will be deleted.

5. A new 8 CFR 214.3(i) will be added to provide regulations for the establishment of a Central Office coordinating unit and field office cooperation to ensure the students and schools are complying with these regulations. Existing 8 CFR 214.3(i) will be redesignated as 8 CFR 214.3(j) and republished without change.

In the light of the foregoing the following amendments are hereby prescribed to chapter I of title 8 of the Code of Federal Regulations.

1. In part 214, §§ 214.2(f) (2), (3), (5), and (6) are revised, and a new § 214.2(f)(6a) is added to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students.* * * *

(2) *Admission.* A nonimmigrant who has a classification under section 101(a)(15)(F)(i) of the Act shall not be eligible for admission unless he/she establishes that he/she is destined to and intends to attend the school specified in his/her visa. In all cases, the name of the school a student is authorized to attend shall be endorsed by the examining immigration officer on the student's form I-94. The period of admission of a nonimmigrant student shall be for the duration of status in the United States as a student if the information on his/her form I-20 indicates that he/she will remain in the United States as a student for more than 1 year, and if he/she agrees to keep his/her passport valid at all times for at least 6 months. (This requirement does not apply to aliens who are by regulation exempt from presentation of a passport.) If the information on form I-20 indicates the student will remain in the United States for 1 year or less, he/she shall be admitted for the time necessary to complete his/her period of study. A nonimmigrant student presently in the United States shall upon his/her next application for extension of stay be granted duration of status if it is indicated that he/she requires more than 1 year to complete his/her studies.

(3) *Temporary absence.* Form I-20 presented by a student returning from a temporary absence may be retained by him/her and used for any number of reentries within 1 year of the date of its issuance. However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his/her nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(F)(i) of the Act, shall, if otherwise admissible, be readmitted, without presentation of form I-20, if the form I-94 in his/her possession indicates that he/she has been admitted to the United States for duration of status as a student under section 101(a)(15)(F)(i) of the Act.

* * * * *

(5) *Extension.* A nonimmigrant who was admitted as a student under section 101(a)(15)(F)(i) of the Act, who was not admitted for duration of status when first admitted to the United States may be granted duration of status upon application for extension of stay if the student indicates that anticipated schooling will require more than 1 year to complete and he/she establishes that he/she is currently maintaining student status; is able and in good faith intends to continue to maintain such status for the period during which he/she will remain in the United States; and the application may be made on form I-538. If the student indicates in the application for extension filed on form I-538 that the anticipated period of time needed to complete his/her course work is 1 year or less, that period of extension may be given. The student's spouse and children may be included in the application. The student's spouse and children shall not be eligible for duration of status unless the student is eligible. A student who has been compelled by illness to interrupt his/her schooling may be permitted to remain in the United States in duration of status for the time necessary to complete his/her studies provided the student establishes that he/she will assume a full course of study after treatment.

(6) *Employment.* A nonimmigrant who has a classification under section 101(a)(15)(F)(i) of the Act is not permitted to engage in off-campus employment in the United States, either for an employer or independently, unless all of the following conditions are met: (i) The student is in good standing as a student who is carrying a full course of studies as defined in subparagraph (1a) of this paragraph; (ii) the student has demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification; (iii) the student has demonstrated that acceptance of employment will not interfere with his/her carrying a full course of study; (iv) the student has agreed that employment while school is in session will not exceed 20 hours per week; and (v) the student has submitted to an authorized official of a school approved by the Attorney General a form I-538, and this form has been certified by that official that all the aforementioned requirements have been met. The authorized official of the school will submit the certified form I-538

containing his recommendation together with the student's form I-94 to the Service office which has jurisdiction over the place where the school is located. The student has permission to accept employment when he/she receives the form I-94 endorsed by the Service to that effect. Permission granted under this paragraph allows a student to work full time when the school is not in session, including the summer if the student is eligible and intends to register for the next following term. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a United States resident, does not require Service permission to be engaged in such employment. Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of the authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed.

(6a) *Practical training.* If a student requests permission to accept or continue employment in order to obtain practical training, permission may be granted in increments of not more than 6 months for a maximum of not more than 12 months in the aggregate. However, when the course of study was of less than 12 months' duration, the alien graduate of a college, university, or seminary as defined by subparagraph (1a) of this paragraph, may be granted permission to engage in employment for practical training for an aggregate number of months not exceeding the length of that course of study, unless the district director and the recommending school agree that the maximum 12 months is warranted. After completion of a course or courses of study at a school which devotes itself exclusively or primarily to vocational, business, or language instruction, an alien graduate of such school may be granted permission to engage in employment for practical training for a period or periods of time equal to 3 months for each 12 months during which such an alien carried a full course of study at such school in the United States. Permission to accept employment for practical training may not be granted if the training applied for cannot be completed within the maximum period of time for which the applicant is eligible. In such case, the alien graduate may apply for change to another nonimmigrant classification that would permit his/her accepting employment. If application is granted for permission to engage in employment to obtain practical training, the initial authorized period shall be deemed to commence either on the date the student enters upon such employment or 60 days after the student's completion of his/her course of study whichever is earlier. An application for permission to accept or continue employment to obtain practical training must be submitted prior to the expiration of an alien student's authorized stay and, in the case of an initial application, not more than 60 days before graduation or completion of a course or courses of study nor more than 30 days after graduation or completion of such study. Such application may be made earlier only if the alien is attending a college, university, or seminary which certified that practical training is required of all degree candidates in a specified professional field, and that the alien student is a candidate for a degree in the field. The application for the first period of practical training shall be submitted to the office of the Service having jurisdiction over the school recommending practical training. An application to continue employment for practical training must contain the recommendation of the school in sufficient detail to enable the Service to determine whether the position is related to the applicant's major field of study. It shall be submitted to the office of the Service having jurisdiction over the actual place of employment, and shall be supported by a letter from the applicant's employer stating the occupation in which the applicant is employed and describing the duties he/she is performing. A student enrolled in a college, university, or seminary having alternate work/study courses as a part of its regular prescribed curriculum may participate in such courses without obtaining a change of status and without filing an application for permission to accept employment; however, such periods of acutal employment if off-campus shall be considered as periods of practical training. An applicant for practical training who has previously participated in an alternate work/study program must submit with his/her application a letter from the school stating the number of hours the applicant has participated in off-campus employment under the work/study program, a description of the applicant's duties while employed and the name and address of the employer. A student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period if he/she presents form I-20 endorsed by the school to indicate the date to which such training was authorized by the district director.

* * * * *

2. In § 214.3 existing paragraph (i) is redesignated as paragraph (j) and republished without change. A new paragraph (i) is added to read as follows:

§ 214.3 Petitions for approval of schools.

* * * * *

(i) *Enforcement of student regulations by Immigration and Naturalization Service.* There shall be established in the Central Office a coordinating group of employees to coordinate enforcement of the student regulations throughout the country. This group shall coordinate liaison between Service officers in the field and the schools. Officers in the field shall be responsible for conducting periodic reviews on the campuses under their jurisdiction for the purpose of determining whether students are complying with Service regulations including keeping their passports valid for a period of 6 months at all times where required and that work permission which has been authorized on the ground of economic necessity should continue to be authorized. Any apparent violations of the provisions of these regulations found by the Service officers shall be referred to the district director for appropriate action.

(j) *Advertising.* In any advertisement, catalogue, brochure, pamphlet, literature, or other material hereafter printed or reprinted by or for an approved school, any statement which may appear in such material concerning approval for attendance by nonimmigrant students shall be limited solely to the following: This school is authorized under Federal law to enroll nonimmigrant alien students.

* * * * *

(Sec. 103 and 214; (8 U.S.C. 1103, 1184).)

Effective date: The amendments contained in this order will become effective on January 1, 1979.

Dated: November 16, 1978.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc. 78-32739 Filed 11-21-78; 8:45 am]

[6720-01-M]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 78-616]

PART 545—OPERATIONS

Mortgage-Futures Transactions

NOVEMBER 15, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This amendment permits Federal savings and loan associations to engage within existing regulatory limitations in mortgage futures transactions involving direct delivery of Government National Mortgage Association (GNMA) securities as recently authorized by the Commodity Futures Trading Commission. The prior regulation required settlement of such transactions by receiving or delivering due bills.

EFFECTIVE DATE: November 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, 202-377-6440.

SUPPLEMENTARY INFORMATION: When § 545.29 regarding mortgage-futures transactions was added to the rules and regulations for the Federal savings and loan system (12 CFR Part 545), effective June 22, 1976, the Chicago Board of Trade (CBT) was the only exchange designated by the Commodity Futures Trading Commission (CFTC) for trading of such transactions involving GNMA-guaranteed mortgage-backed securities. CBT's rules provided then that settlements be made by receiving or delivering due bills redeemable for the securities and § 545.29 was designed to permit settlements complying with that rule. Since that time, the CBT and other exchanges have obtained CFTC approval to begin trading in futures transactions with settlements to be made by receiving or delivering the securities rather than due bills. This amendment therefore liberalizes the regulations by permitting Federal associations to engage in mortgage futures transactions with settlement by receipt or delivery of either (1) the actual securities or (2) due bills for those securities.

The Bank Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11, because this amendment relieves restriction, and (2) publication of this amendment for the 30 days notice period specified in 5 U.S.C. 553(d) and 12 CFR 508.14 prior to its effective date is unnecessary for the same reason.

Accordingly, the Bank Board hereby amends § 545.29 by revising paragraph (g)(3) thereof to read as set forth below, effective November 22, 1978.

§ 545.29 Mortgage-futures transactions.

* * * * *

(g) *Definitions.* * * *

(3) The term "mortgage-futures contract" means a transferable agreement to receive or deliver GNMA-guaranteed mortgage-backed securities or due bills under terms and conditions approved by the Commodity Futures Trading Commission.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-32773 Filed 11-21-78; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation OR-137; Amdt. No. 12]

PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

Transfer of the Audit Function to the Bureau of Accounts and Statistics

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board amends its statement of organization to reflect the transfer of all its audit functions from the former Bureau of Enforcement to the Bureau of Accounts and Statistics.

DATES: Adopted: November 16, 1978. Effective: November 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark Schwimmer, Office of the General Counsel, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: The Board recently consolidated its Office of Consumer Advocate and Bureau of Enforcement into a new Bureau of Consumer Protection. At the same time, it transferred the audit functions that had been under the Bureau of Enforcement to the Bureau of Accounts and Statistics.

The purpose of this amendment is to revise the description of the functions of the Bureau of Accounts and Statistics in § 384.7(e) of the Board's organization regulations to reflect the transfer of the audit functions.

Since this amendment is administrative in nature, affecting a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary and that an immediate effective date is in the public interest.

Accordingly, the Civil Aeronautics Board amends part 384 of its Organization Regulations, Statement of Organization, Delegation of Authority, and Availability of Records and Information (14 CFR Part 384) as follows:

Section 384.7 is amended by revising paragraph (e), to read:

§ 384.7 Organization and delegation of authority.

* * * Generally speaking, the Board's staff comprises:

* * * * *

(e) The Bureau of Accounts and Statistics, which is responsible for developing and administering a fact-finding facility adequate to support the Board's economic regulatory program. This Bureau is concerned with developing and administering uniform systems of carrier accounts and reports; performing audits and economic examinations of persons having control over, or affiliated with, any person subject to beard regulation; preparing accounting and statistical data for release in the Board's official publications; administering and operating the Board's automatic data processing facilities; and generally operating as the Board's expert arm in accounting and statistical matters.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 5 U.S.C. Appendix.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32811 Filed 11-21-78; 8:45 am]

[6320-01-M]

[Regulation OR-138; Amdt. No. 75]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Amendment of Delegations of Authority to the Director, Bureau of Accounts and Statistics and the Director, Bureau of Consumer Protection

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board amends its delegations of authority to reflect the transfer of all its audit functions from the former Bureau of Enforcement to the Bureau of Accounts and Statistics.

DATES: Adopted: November 16, 1978. Effective: November 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark Schwimmer, Office of the General Counsel, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: The Board recently consolidated its Office of Consumer Advocate and Bureau of Enforcement into a new Bureau of Consumer Protection. At the same time, it transferred the audit functions that had been under the Bureau of Enforcement to the Bureau of Accounts and Statistics. Nevertheless, certain investigative audit functions did remain with the new Bureau of Consumer Protection to enable it to act effectively in the consumers' interest and deter anticompetitive practices.

This amendment revises the delegations of authority to the Directors of the two Bureaus, to reflect the transfer. This change does not preclude special agents of the Bureau of Consumer Protection from examining accounting records and supporting documentation in connection with a BCP investigation.

Since this amendment is administrative in nature, affecting a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

Accordingly, the Board amends part 385 of its organization regulations, Delegations and Review of Action Under Delegation; Nonhearing Matters (14 CFR Part 385) as follows:

1. In § 385.17, a new paragraph (h) is added, to read:

§ 385.17 Delegation to the Director, Bureau of Accounts and Statistics.

* * * * *

(h)(1) Make findings, in connection with audits and economic examinations of accounting and statistical records and supporting documents, regarding the reasonable necessity for the application of the Board's authority to obtain access to lands, buildings, and equipment and to make notes and copies of accounts, records, memoranda, documents, papers, and correspondence of persons having control over, or affiliated with, any person subject to Board regulation; (2) authorize staff to conduct audits and economic examinations in accordance with those findings.

2. In § 385.22, *Delegation to the Director, Bureau of Consumer Protection*, paragraph (e) is revised by deleting "or auditors."

§ 385.22 Delegation to the Director, Bureau of Consumer Protection.

* * * * *

(e)(1) Make findings regarding the reasonable necessity for the application of the Board's authority to obtain access to lands, buildings and equipment, and to inspect, examine and make notes and copies of accounts, records, memorandums, documents, papers and correspondence of persons having control over, or affiliated with, any person subject to Board regulation, through issuance of an appropriate order, letter of other transmittal; (2) authorize one or more special agents to conduct inspections and examinations and to make notes and copies in accordance with such findings.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 5 U.S.C. Appendix.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32812 Filed 11-21-78; 8:45 am]

[3510-06-M]

Title 15—Commerce and Foreign Trade

CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS

PART 806—DIRECT INVESTMENT SURVEYS

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rules.

SUMMARY: This document amends the rules to: (a) Change the treatment of trusts in determining the existence and reporting of direct investment because the present definition of a trust excluded certain types of investment for which coverage is desired, and more specifically provides that information may be required to be reported by an intermediary; and (b) Institute a mandatory reporting requirement for a statistical survey of foreign-owned U.S. business enterprises covering the year 1977, in order to further implement the President's responsibilities (which were delegated to the Secretary of Commerce) under the International Investment Survey Act of 1976 (Pub. L. 94-472, 22 U.S.C. 3101-3108).

EFFECTIVE DATE: These rules become effective November 22, 1978.

FOR FURTHER INFORMATION CONTACT:

George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, 202-523-0657.

SUPPLEMENTARY INFORMATION: (a) On September 27, 1978 the Department of Commerce published a notice of proposed rulemaking to amend the rules regarding the treatment of trusts in determining the existence and reporting of direct investment and to more specifically provide that information may be required to be reported by an intermediary. No comments objecting to these proposed changes were received and therefore the proposed rules are being made final without change; and (b) On May 23, 1978 the Department of Commerce published a notice of proposed rulemaking regarding the institution of a mandatory reporting requirement for an annual statistical survey of foreign-owned U.S. business enterprises, form BE-15. The action was to further implement the President's responsibilities under the International Investment Survey Act of 1976; these responsibilities were delegated to the Secretary of Commerce in section 3 of Executive Order 11961 of January 19, 1977.

The changes appearing in these final rules reflect comments received from interested parties, including members of the general public.

1. The survey is being labeled an "interim" survey rather than an "annual" survey and these rules are being made a permanent addition to part 806. However, it should be noted that the Office of Management and Budget (OMB), pursuant to their review of the form under the Federal Reports Act, has approved the form for use only through March, 1979 pending a review of work being done on direct investment. If and when a request for an extension of the expiration date for

form BE-15 is submitted to OMB so that the form can be used for subsequent years, the public will be apprised of this through the notice OMB publishes in the FEDERAL REGISTER of forms received by them for clearance, including extensions, rather than through a notice pertaining to the rules contained in 15 CFR Part 806. (This is also presently the case for the other forms used in surveys conducted pursuant to this part.) This survey will be the first update of selected data items from the 1974 benchmark survey of foreign direct investment in the United States and will cover the year 1977.

2. Banks have been excluded from coverage of the survey.

3. It is specifically stated that the part of the exemption criteria relating to ownership of land is based on land located in the United States, not all land owned.

In consideration of the foregoing, Part 806, 15 CFR is amended as set forth below.

JUANITA M. KREPS,
Secretary of Commerce.

1. In § 806.7, paragraph (n) is revised to read as follows:

§ 806.7 General definitions.

* * * * *

(n) "Intermediary" means an agent, nominee, manager, custodian, trust, or any person acting in a similar capacity.

2. In § 806.11, paragraphs (b) and (c) are revised to read as follows:

§ 806.11 Estates, trusts, and intermediaries.

* * * * *

(b) A trust, either U.S. or foreign, is a person, but is not a business enterprise. The trust shall be considered the same as an intermediary and reporting should be as outlined in paragraph (c) of this section. For reporting purposes, the beneficiary(ies) of the trust, or the creator(s) of the trust in the situation detailed below or if there is, or may be, a reversionary interest, shall be considered to be the owner(s) of the investments of the trust for determining the existence of direct investment. Where a corporation or other organization creates a trust designating its shareholders or members as beneficiaries, the creating corporation or organization shall be deemed to be the owner of the investments of the trust, or succeeding trusts where the presently existing trust has evolved out of a prior trust, for the purposes of determining the existence and reporting of direct investment.

This procedure is adopted in order to fulfill the statistical purposes of this part and does not imply that control over an enterprise owned or controlled by a trust is, or can be, exercised by the beneficiary(ies) or creator(s).

(c) Intermediary. (1) If a particular U.S. direct investment abroad is held, administered, or managed by a U.S. intermediary, such intermediary shall be responsible for reporting the required information for, and in the name of, its principal or shall instruct the principal to submit the required information. Upon instructing the principal, the intermediary shall be released from further liability to report provided it has informed this bureau of the date such instructions were given and the name and address of the principal, and has supplied the principal with any information in the possession of, or which can be secured by, the intermediary, that is necessary to permit the principal to complete the required reports. When acting in the capacity of an intermediary, the accounts or transactions of the U.S. intermediary with the foreign affiliate shall be considered as accounts or transactions of the U.S. principal with the foreign affiliate. To the extent such transactions or accounts are unavailable to the principal, they may be required to be reported by the intermediary.

(2) If a U.S. person holds a foreign affiliate through a foreign intermediary, the U.S. person will be considered to own the foreign affiliate directly and all accounts or transactions of the U.S. person with the intermediary will be considered to be with the foreign affiliate.

(3) If a particular foreign direct investment in the United States is held, exercised, administered, or managed by a U.S. intermediary for the foreign beneficial owner, such intermediary shall be responsible for reporting the required information for, and in the name of, the U.S. affiliate, and shall report on behalf of the U.S. affiliate or shall instruct the U.S. affiliate to submit the required information. Upon so instructing the U.S. affiliate, the intermediary shall be released from further liability to report provided it has informed this Bureau of the date such instructions were given and the name and address of the U.S. affiliate, and has supplied the U.S. affiliate with any information in the possession of, or which can be secured by, the intermediary that is necessary to permit the U.S. affiliate to complete the required reports. When acting in the capacity of an intermediary, the accounts or transactions of the U.S. intermediary with a foreign beneficial owner shall be considered as accounts or transactions of the U.S. affiliate with the foreign beneficial owner. To the extent such transactions or accounts are unavailable to the U.S. affiliate, they may be required to be reported by the intermediary.

(4) If a foreign beneficial owner holds a U.S. affiliate through a foreign intermediary, the U.S. affiliate may report the intermediary as its foreign parent but, when requested, must also identify and furnish information concerning the foreign beneficial owner, if known, or if such information can be secured. Accounts or transactions of the U.S. affiliate with the foreign intermediary shall be considered as accounts or transactions of the U.S. affiliate with the foreign beneficial owner.

3. In § 806.15, paragraph (f) is revised to read as follows:

§ 806.15 Foreign Direct Investment in the United States.

* * * * *

(f) Update of benchmark survey. (1) BE-15—Interim Survey of Foreign Direct Investment in the United States.—One report is required for each consolidated U.S. affiliate, except a bank, exceeding an exemption level of $5,000,000, except that a U.S. affiliate which owns 200 acres or more of U.S. land must report regardless of the value of the items on which the exemption level is based, i.e., total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, whether positive or negative. U.S. affiliates which are banks are exempt from the reporting requirements of this survey. Annual data for 1977 will be collected in the first survey updating the 1974 benchmark survey of foreign direct investment in the United States.

[FR Doc. 78-32815 Filed 11-21-78; 8:45 am]

[4810-31-M]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-53; Correction]

PART 4—LABELING AND ADVERTISING OF WINE

Appellation of Origin, Grape Type Designations, Etc.

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Correction notice to final rule.

SUMMARY: This notice corrects errors appearing in Treasury Decision ATF-53 relating to the labeling and advertising of wine as published in the

FEDERAL REGISTER of August 23, 1978 (43 FR 37671).

EFFECTIVE DATE: November 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas Busey, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION: Treasury Decision ATF-53, implemented new requirements concerning varietal labeling, appelations of origin, and certain other facets of the wine labeling regulations. Many of the new requirements were not made mandatory until January 1, 1983, in order to allow for an orderly transition. Consequently, in situations where new requirements were not mandatory until 1983, existing requirements were left in the regulations so as to govern wine labeling in the interim. In amending § 4.34(b) relating to appellation of origin, a minor editorial error and one inadvertent omission, erroneously deleted an existing requirement and made one of the new requirements effective immediately. It is, therefore, necessary that § 4.34(b) and (c) be reprinted with corrections as indicated below.

Accordingly, § 4.34(b) and (c) are follows:

§ 4.34 Class and Type.

(a) * * *

(b) Prior to January 1, 1983, an appellation of origin such as "American", "California", "Chilean", "New York State" or "Spanish", disclosing the true place of origin of the wine, shall appear in direct conjunction with and in lettering substantially as conspicuous as the class and type designation, (1) if a grape variety name having geographic significance is employed as the type designation of the wine pursuant to § 4.34, (2) if a semi-generic type designation of geographic significance is employed as the type designation of the wine pursuant to § 4.24(b), or (3) if the label bears any statement, design, device, or representation which indicates or infers an origin other than the true place of origin of the wine.

(c) Beginning January 1, 1983, an appellation or origin, such as "American", "California", "Napa Valley", or "Chilean", disclosing the true place or origin of the wine, shall appear in direct conjunction with, in the same size of type, and in lettering as conspicuous as the class and type designation if (1) a grape type (varietal) designation is used under the provisions of § 4.23a, (2) a semi-generic type designation is employed as the type designation of the wine, pursuant to § 4.24(b), or (3) a brand name of product name is qualified with the word "Brand" as required by the provisions of § 4.39(i) or (j).

Signed: November 9, 1978.

JOHN G. KROGMAN,
Acting Director.

[FR Doc. 78-32992 Filed 11-21-78; 8:45 am]

[3910-01-M]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER F—AIRCRAFT

PART 862—U.S. AIR FORCE RESPONSIBILITIES FOR AIRCRAFT LEASED FOR AIRSHOWS

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a rule on the responsibilities of U.S. Air Force and contractor personnel involved in managing U.S. Air Force aircraft temporarily leased to contractors for taking part in international airshows. It implements DOD Instruction 7230.8, June 9, 1976.

EFFECTIVE DATE: August 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Lt. Col. Charles T. Helton, Operational Support Branch, Air Force Combat Operations Staff, Headquarters, USAF/XOO, Pentagon, Washington, D.C. 20330, phone 202-697-6481.

The added part will read as follows:

PART 862—U.S. AIR FORCE RESPONSIBILITIES FOR AIRCRAFT LEASED FOR AIRSHOWS

Sec.
862.1 Purpose.
862.2 General policy.
862.3 Terms explained.
862.4 Responsibilities assigned.

AUTHORITY: 10 U.S.C. 8012; DOD Instruction 7230.8, June 9, 1976.

NOTE.—This part is derived from Air Force Regulation 60-3, August 30, 1978.

Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 862.1 Purpose.

This part explains the responsibilities of U.S. Air Force and contractor personnel involved in managing U.S. Air Force aircraft temporarily leased to contractors for taking part in international airshows. It applies to all U.S. Air Force and contractor personnel involved in leasing, managing, or operating these aircraft and implements DODI 7230.8, June 9, 1976.

§ 862.2 General policy.

The U.S. Air Force leases aircraft to contractors for use in international airshows that are beneficial to the defense needs of the Nation if it is not desirable or not practical for the U.S. Air Force to take part in the shows. U.S. Air Force management concern continues for the safety of these valuable weapon systems while they are temporarily leased. The responsibilities outlined in this part are directive on U.S. Air Force personnel. Contractor compliance with the applicable portions of this part will be according to contractual provisions.

§ 862.3 Terms explained.

(a) *Contractor.* The aircraft manufacturers, their employees, and their agents who take part in any phase of managing, operating, or servicing U.S. Air Force aircraft solicited for lease, or leased for taking part in international airshows.

(b) *International airshows.* An international aviation event that features several nations' aircraft.

(c) *Crew rest.* A period of time exclusively provided to make sure that air crewmembers get adequate preflight rest in the interest of flight safety. Chapter 7 of AFR 60-1, Flight Management, establishes minimum crew rest requirements for U.S. Air Force crewmembers.

(d) *Flight profile.* A narrative and graphic description of the entire proposed flight from the first takeoff to final landing, including minimum and maximum airspeeds, G-loads, and altitudes.

(e) *Flight data recorder.* Any device installed on an aircraft to check and record conditions of flight or aircraft performance parameters.

(f) *Visual record.* Photographic or video products.

(g) *Contract monitor.* The U.S. Air Force officer appointed to observe and report how the contractor operates the leased aircraft.

(h) *Contractor's airshow plan.* A full description of how the contractor plans to operate and manage a U.S. Air Force aircraft under consideration for lease to take part in an international airshow.

(i) *Contract completion reports.* Separate reports sent by the lessee and the contract monitor explaining contract compliance problems for use in improving future lease agreements.

§ 862.4 Responsibilities assigned.

(a) *HQ USAF/CV.* (1) Approves all available aircraft taking part in airshows, based on recommendations from the Air Staff agency that has primary responsibility for the aircraft. (Authority to approve the lease requests rests with SAF/AL.)

(2) Recommends lease requests to the Defense Security Assistance Agency (DSAA), through SAF/AL, for approval or disapproval regarding foreign sales or transfers.

(3) Approves adjustments in lease agreements recommended as a result of unsafe or undesirable conditions, or practices that might be made known in the contract completion reports.

(b) *HQ USAF/XOO.* (1) Identifies Air Force aircraft that may be suitable for taking part in international airshows and recommends, through HQ USAF/XO to HQ USAF/CV, those that are operationally available.

(2) Approves all the contractors' airshow plans.

(3) Provides assistance to contractors whose lease requests have been approved for operational aircraft.

(4) Reviews contract completion reports and recommends through HQ USAF/XO to HQ USAF/CV, after appropriate Air Staff coordination, changes to future contracts to correct conditions or practices that are not safe or desirable.

(c) *HQ USAF/RDP or HQ USAF/RDQ.* (1) Identifies Air Force aircraft under their jurisdiction that might be suitable for taking part in international airshows and recommends those that are available to HQ USAF/XOO.

(2) Provides assistance to contractors whose lease requests have been approved for HQ USAF/RDP or HQ USAF/RDQ aircraft.

(d) *HQ USAF/RDC.* (1) Develops determinations and findings for lease requests to get Secretarial approval to lease the aircraft.

(2) Prepares standard lease clauses to make sure that contractors comply with this part and to impose additional suitable controls.

(e) *Air Force Systems Command.* (1) Refers, with appropriate comments and recommendations, lease requests from contractors for taking part in airshows directly to HQ USAF/XOOOF at least 90 days befoe the first lease date.

(2) Appoints an officer who is well qualified in the aircraft as contract monitor. The appointed individual should be released from other duties until the airshow is completed.

(3) Reviews and sends HQ USAF/XOOOF the contract completion reports submitted by the contractor and the contract monitor.

(4) Recommends changes to future contracts to correct conditions or practices that are not desirable.

(f) *Contract monitor.* (1) Observes each aircraft practice and demonstration and monitors compliance with the contract.

(2) Immediately refers significant deviations from the terms of the contract or requirements of this part to AFSC and HQ USAF/XOO.

(3) Sends a contract completion report (RCS: HAF-XOO (AR) 7802) to AFSC no later than 30 days after the aircraft completes participation in the airshow. The report, in letter format to AFSC, must include:

(i) Contract identification.

(ii) Contractor deviations from the lease or this part.

(iii) Recommendations to improve management and safety for future international airshows.

(g) *The contractor.* (1) Provides, with sufficent leadtime (not less than 100 days), the first lease request to the Air Force Plant Representative Office or System Program Office with an air show plan that gives the following information:

(i) Detailed schedule of planned use of the leased aircraft.

(ii) The name (or names) and qualifications of the pilot (or pilots) who are scheduled to fly the aircraft in practice, deployment, or redeployment, and airshow flights.

(iii) Specific information on the qualifications of other crewmembers who may be needed.

(iv) The names, qualifications, and exact duties of contractor supervisory personnel who may take part in any way in managing and controlling the U.S. Air Force aircraft while it is leased.

(v) The intended flight profiles planned for:

(*a*) Favorable weather conditions (specify favorable weather conditions for subject aircraft).

(*b*) Weather conditions less than favorable but above the airshow minimums, AFR's 60-16, General Flight Rules, 60-18, Air Force Participation in Aerial Events and Demonstrations, and the Aircraft Handbook (Technical Order) limitations.

(*c*) Alternate modified profiles, for both weather conditions, that would be flown if the airshow authorities restrict participation due to timing problems.

(vi) Provisions for insuring adequate preflight crew rest for the pilot (or pilots) and other crewmembers. This must include the way in which the flightcrews (pilots) will be isolated for potential marketing or other pressures that may be expected in the international airshow environment.

(vii) Specific schedule and the names of those attending preflight planning, preflight briefing, and postflight debriefings.

(viii) Procedures for providing a visual record of all practice and airshow demonstrations (16-mm film or ¾-inch video tape).

(ix) Procedures for providing maximum flight data recorder coverage (if subject aircraft is normally flight data recorder equipped) of all practice and airshow demonstrations.

(x) Procedures for making sure the pilot who flies the aircraft wears suitable flight clothing for maneuvers to be performed, for example, anti-G suit.

(2) Sends a contract completion report, within 30 days, to the contracting officer explaining any problems found in carrying out the terms of the contract and recommended changes to improve the safety of U.S. Air Force aircraft leased in the future.

CAROL M. ROSE,
Air Force Federal Register Liaison Officer.

[FR Doc 78-32768 Filed 11-21-78; 8:45 am]

[6560-01-M]

Title 40—Protection of the Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

[FRL 990-3]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Orders for Five Bulk Gasoline Facilities in New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues delayed compliance orders to the following five companies operating bulk gasoline facilities in New Jersey: Agway Petroleum Corp., Syracuse, N.Y.; Andrews Oil Co., Salem, N.J.; Globe Petroleum, Inc., Red Bank, N.J.; Moore Brothers Oil Co., Inc., Mahwah, N.J.; and Taylor Oil Co., Somerville, N.J. The orders require the companies to bring air emissions during the loading and unloading operations at their bulk facilities into compliance with certain regulations contained in the federally approved New Jersey State implementation plan (SIP). Compliance with the orders by the operators of the five bulk gasoline facilities will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the orders during the period the orders are in effect.

DATES: This rule takes effect on November 22, 1978.

FOR FURTHER INFORMATION CONTACT:

William J. Friedman, Attorney, U.S. Environmental Protection Agency, General Enforcement Branch, 26 Federal Plaza, New York, N.Y. 10007, telephone 212-264-4940.

ADDRESSES: The delayed compliance orders and supporting material are available for public inspection and copying during normal business hours at: U.S. Environmental Protection Agency, General Enforcement Branch, Room 437, 26 Federal Plaza, New York, N.Y. 10007.

SUPPLEMENTARY INFORMATION: On August 1, 1978, the Regional Administrator of EPA's region II office published in the FEDERAL REGISTER, 43 FR 33754, a notice setting out the provisions of a proposed delayed compliance order for several bulk gasoline facilities in New Jersey. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed orders. No public comments or requests for a public hearing were received in response to the notice.

Therefore, delayed compliance orders effective this date are issued to five companies: Agway Petroleum Corp., Syracuse, N.Y.; Andrews Oil Co., Salem, N.J.; Globe Petroleum, Inc., Red Bank, N.J.; Moore Brothers Oil Co., Inc., Mahwah, N.J.; and Taylor Oil Co., Somerville, N.J. by the Administrator of EPA pursuant to the authority of section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7413(d)(1). The orders place the above-cited five companies on schedules to bring their bulk gasoline facilities in New Jersey into compliance as expeditiously as practicable with 40 CFR §§ 52.1595 and 52.1598, a part of the federally approved New Jersey State implementation plan. The orders also impose interim requirements which meet sections 113(d)(1)(C) and 113(d)(7) of the Act, and reporting requirements. Imposition of emission monitoring in the orders, as set out in section 113(d)(1)(c), has been found to be an unreasonable requirement. If the conditions of the orders are met, they will permit the above-cited five companies to delay compliance with the SIP regulations covered by the orders until the dates for final compliance set by the orders. The latest final compliance date is October 1, 1978. The companies were previously unable to comply with these regulations.

Compliance with the orders by the above-cited five companies precludes Federal enforcement action under section 113 of the Act for violations of the SIP regulations covered by the orders during the period the orders are in effect. Citizen suits under section 304 of the Act are similarly precluded. If the Administrator determines that any of the five companies are in violation of a requirement contained in the order for that company, one or more of the actions required by section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under section 307(b) of the Act.

EPA has determined that the orders shall be effective upon publication of this notice because of the sources' prior notice of the complaince schedules embodied therein, and because of the need to immediately bring the five affected companies into compliance with the applicable requirements of the New Jersey State implementation plan.

(42 U.S.C. 7413(d), 7601.)

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

1. In consideration of the foregoing, chapter 1 of title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding entries to the table in § 65.350 to read as follows:

Subpart FF—New Jersey

§ 65.350 Federal delayed compliance orders issued under section 113 (d) (1), (3), and (4) of the Act.

The delayed compliance orders referenced below have been issued by the Administrator in accordance with section 113(d) of the Act and with this part. With regard to each order, the Administrator has made all determinations and findings which are necessary for issuance of the order under section 113(d) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Agway Petroleum Corp ...	Mt. Holly, Chester, Freehold, and Hightstown, N.J.	80170	Aug. 1, 1978...	40 CFR §§ 52.1595 and 52.1598.	Sept. 1, 1978.
Andrews Oil Co	Salem, N.J	80169	....do.....	40 CFR §§ 52.1595 and 52.1598.	Oct. 1, 1978.
Moore Bros. Oil Co.....	Mahwah, N.J.....	80165	....do.....	40 CFR §§ 52.1595 and 52.1598.	Sept. 1, 1978.
Globe Petroleum	Red Bank, N.J.....	80167	....do.....	40 CFR §§ 52.1595 and 52.1598.	Do.
Taylor Oil Co., Inc	Somerville, N.J ...	80166	....do.....	40 CFR §§ 52.1595 and 52.1598.	Oct. 1, 1978.

2. The texts of the orders read as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY—REGION II

In the matter of Moore Bros. Oil Co., Inc. (Mahwah, N.J.), consent order, index No. 80165.

This order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. ("the Act"). The order contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of New Jersey have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

Regulations of the U.S. Environmental Protection Agency ("EPA"), codified as sections 52.1595 and 52.1598 of title 40 of the Code of Federal Regulations (40 CFR §§ 52.1595 and 52.1598), cover the transfer of gasoline from one vessel or storage tank to another in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions, and are part of the New Jersey State implementation plan ("SIP") as defined in section 110(d) of the Act. These regulations require that facilities utilized for the filling of gasoline delivery vessels and having a daily throughput of 20,000 gallons of gasoline or less (commonly called "small bulk plants") have a vapor control system in operation no later than May 31, 1977 so as to prevent release to the atmosphere of no less than 90 percent by weight of organic compounds in the vapors and gases displaced during any loading or unloading operation.

Moore Bros. Oil Co., Inc., (hereinafter, "Respondent") did not install the required vapor-control system at its small bulk plant at Mahwah, N.J. ("the subject facility") by May 31, 1977, and has not installed such a system as of the date of this order. Thus, Respondent, in loading and unloading gasoline at the subject facility, is in violation of the requirements of 40 CFR §§52.1595 and 52.1598.

Pursuant to Respondent's request, EPA, region II has determined that it is reasonable to establish a compliance schedule which will allow Respondent additional time in which to install a vapor-control system at the subject facility, but which will require compliance with the above-cited regulations as expeditiously as is practicable.

Respondent acknowledges that the subject facility is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. Respondent explicitly waives both the notification requirement and the 30 day waiting period embodied in section 113(a)(1) of the Act. Furthermore, Respondent consents to the issuance of this order, and to its terms. In accordance with the provisions of

title 5, section 553 of the United States Code, this order will become effective immediately upon publication in the FEDERAL REGISTER of final rulemaking incorporating the terms of said order, inasmuch as Respondent will by then have had substantial actual prior notice of the substantive terms of the order.

ORDER

I. That Respondent install the equipment necessary to bring the subject facility into compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 in accordance with the following schedule:

(a) By no later than June 15, 1978, the necessary contracts for the installation of a vapor-control system shall be signed.

(b) By no later than August 1, 1978, onsite construction of a vapor-control system shall be completed.

(c) By no later than September 1, 1978, and at all times thereafter, all gasoline loading and unloading operations at the subject facility shall be performed in full compliance with the provisions of 40 CFR §§ 52.1595 and 52.1598.

Based upon the foregoing, after consideration of public comment, and pursuant to section 113(d) of the Act, it is hereby ordered:

II. That no later than 5 days after any date specified in paragraph I, above for achievement of any incremental step (including final compliance), Respondent shall notify EPA in writing of its status of compliance with respect to the said requirement. If compliance with any incremental step is not achieved in a timely manner, the notification required by this paragraph shall provide a full explanation of such noncompliance, which explanation shall not be held to excuse the noncompliance. If delay is anticipated in meeting any requirement of this order, Respondent shall immediately notify EPA in writing of the anticipated delay and the reasons therefor. Notification to EPA of any anticipated delay shall not be held to excuse the delay.

All submittals and notifications to EPA pursuant to this order shall be made to Mr. Gerald DeGaetano, Air and Environmental Applications Section, Status of Compliance Branch, Enforcement Division, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

III. Beginning immediately upon the effective date of this order, Respondent shall comply with the following requirements, which are determined to be the most reasonable and practicable means of minimizing pollutant emissions from the subject facility during the interim period until final compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 is achieved:

1. Respondent shall monitor its operating procedures during the loading and unloading of gasoline so as to prevent to the greatest extent possible the release to the atmosphere of unnecessary emissions of organic compounds in vapors and gases created during any gasoline transfer operation.

2. If Respondent makes ueo of top-loading procedures for the filling of gasoline delivery vessels, Respondent shall use a loading arm with a loading spout extended to within 6 inches of the bottom of the tank being filled. During the top loading operation, the loading rate shall be decreased until the bottom of the spout is covered with product.

3. Respondent shall take the action necessary to assure that during loading operations the loading arm is completely drained of liquid product before removal from the delivery vessel, so as to minimize the spillage of gasoline. Respondent shall also take all other actions necessary to minimize gasoline spillage.

4. Respondent shall take measures to assure that dome covers and other potential points of emission on all vessels loading and unloading at its facility are closed and sealed during the transfer operation, unless the dome cover must be open to allow the insertion of any loading or unloading apparatus into the vessel, or unless safety considerations require that an emission point be open for the purpose of venting.

5. Whenever possible, Respondent shall make arrangements to have vapor-laden delivery vessels bypass its small bulk plant and refill only at facilities equipped with a vapor recovery system or the equivalent.

IV. Nothing herein shall affect the responsibility of Respondent to comply with State or local regulations. This order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator (or his delegate) determines on the record, after notice and hearing, that an inability to comply with 40 CFR §§ 52.1595 and 52.1598 no longer exists.

V. Violation of any requirement of this order shall result in one or more of the following actions:

(a) Enforcement of such requirement pursuant to sections 113 (a), (b), or (c) of the Act, including possible judicial action for injunction and/or civil penalties, and, in appropriate cases, criminal prosecution.

(b) Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of 40 CFR §§ 52.1595 and 52.1598 in accordance with the preceding paragraph.

(c) If such violation continues beyond July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act, including the assessment of a noncompliance penalty.

So ordered effective immediately.

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator,
U.S. Environmental Protection Agency.

CONSENT

W. E. Sheriff, having full authority to represent Moore Bros., Oil Co., Inc., in these proceedings, has read the foregoing order, believes it to be resonable, and therefore consents to both its issuance and to its terms. Furthermore, Mr. Jacklin acknowledges that the Mahwah bulk plant of the Moore Bros. Oil Co., Inc., is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. He explicity waives both the notification requirement and the 30-day waiting period embodied in section 113(a) of the Act, recognizes that Moore Bros. Oil Co., Inc., is subject to all remedies provided in section 113 of the Act for failure to comply with the terms of the foregoing order, and explicitly waives any and all rights under any provision of law to challenge this order.

Dated: March 20, 1978.

RALPH JACKLIN,
Area Vice President,
Moore Bros. Oil Co., Inc.
W. E. SHERIFF,
President and
Chief Executive Officer.

U.S. ENVIRONMENTAL PROTECTION AGENCY—REGION II

In the matter of Taylor Oil Co., Inc. (Somerville, N.J.), consent order, index No. 80166.

This order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. ("the Act"). The order contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of New Jersey have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

Regulations of the U.S. Environmental Protection Agency ("EPA"), codified as sections 52.1595 and 52.1598 of title 40 of the Code of Federal Regulations (40 CFR §§ 52.1595 and 52.1598), cover the transfer of gasoline from one vessel or storage tank to another in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions, and are part of the New Jersey State implementation plan ("SIP") as defined in section 110(d) of the Act. These regulations require that facilities utilized for the filling of gasoline delivery vessels and having a daily throughput of 20,000 gallons of gasoline or less (commonly called "small bulk plants") have a vapor control system in operation no later than May 31, 1977 so as to prevent release to the atmosphere of no less than 90 percent by weight of organic compounds in the vapors and gases displaced during any loading or unloading operation.

The Taylor Oil Co., Inc. (hereinafter, "Respondent") did not install the required vapor-control system at its small bulk plant at Somerville, N.J. ("the subject facility") by May 31, 1977, and has not installed such a system as of the date of this order. Thus, Respondent, in loading and unloading gasoline at the subject facility, is in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598.

Pursuant to Respondent's request, EPA, region II has determined that it is reasonable to establish a compliance schedule which will allow respondent additional time in which to install a vapor-control system at the subject facility, but which will require compliance with the above-cited regulations as expeditiously as is practicable.

Respondent acknowledges that the subject facility is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. Respondent explicitly waives both the notification requirement and the 30 day waiting period embodied in section 113(a)(1) of the Act. Furthermore, Respondent consents to the issuance of this order, and to its terms. In accordance with the provisions of title 5, section 553 of the United States Code, this order will become effective immediately upon publication in the FEDERAL REGISTER of final rulemaking incorporating the terms of said order, inasmuch as Respondent will by then have had substantial actual prior notice of the substantive terms of the order.

Based upon the foregoing, after consideration of public comment, and pursuant to section 113(d) of the Act, it is hereby ordered:

I. That Respondent install the equipment necessary to bring the subject facility into compliance with the requirements of 40

CFR §§ 52.1595 and 52.1598 in accordance with the following schedule:

(a) By no later than July 1, 1978, the necessary contracts for the installation of a vapor-control system shall be signed.

(b) By no later than September 1, 1978, on-site construction of a vapor-control system shall be completed.

(c) By no later than October 1, 1978, and at all times thereafter, all gasoline loading and unloading operations at the subject facility shall be performed in full compliance with the provisions of 40 CFR §§ 52.1595 and 52.1598.

Provided that, should Respondent determine (and so notify EPA) by July 1, 1978 that it will not utilize the subject facility for the storage of gasoline after December 1, 1978, then the above-listed compliance schedule shall not apply, and the subject facility may operate without the installation of the controls required in said schedule (but in conformity with section III below) until the date that the subject facility ceases to store gasoline, which date shall in no event be later than December 1, 1978. Should Respondent reduce its gasoline throughput at the subject facility to less than 4,000 gallons per day by no later than July 1, 1978 (and so notify EPA), then the above-listed compliance schedule shall also not apply, and the subject facility may operate without the installation of the controls required in said schedule (but in conformity with section III below). If this latter option is chosen, then Respondent at all times after July 1, 1978 shall insure that the daily gasoline throughput at the subject facility is less than 4,000 gallons per day unless and until such time as Respondent shall install a vapor-control system at this location so as to bring it into compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598.

II. That no later than 5 days after any date specified in paragraph I, above for achievement of any incremental step (including final compliance), Respondent shall notify EPA in writing of its status of compliance with respect to the said requirement. If compliance with any incremental step is not achieved in a timely manner, the notification required by this paragraph shall provide a full explanation of such noncompliance, which explanation shall not be held to excuse the noncompliance. If delay is anticipated in meeting any requirement of this order, Respondent shall immediately notify EPA in writing of the anticipated delay and the reasons therefor. Notification to EPA of any anticipated delay shall not be held to excuse the delay.

All submittals and notifications to EPA pursuant to this order shall be made to Mr. Gerald DeGaetano, Air and Environmental Applications Section, Status of Compliance Branch, Enforcement Division, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

III. Beginning immediately upon the effective date of this order, Respondent shall comply with the following requirements, which are determined to be the most reasonable and practicable means of minimizing pollutant emissions from the subject facility during the interim period until final compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 is achieved:

1. Respondent shall monitor its operating procedures during the loading and unloading of gasoline so as to prevent to the greatest extent possible the release to the atmosphere of unnecessary emissions of organic compounds in vapors and gases created during any gasoline transfer operation.

2. If Respondent makes use of top-loading procedures for the filling of gasoline delivery vessels, Respondent shall use a loading arm with a loading spout extended to within 6 inches of the bottom of the tank being filled. During the top loading operation, the loading rate shall be decreased until the bottom of the spout is covered with product.

3. Respondent shall take the action necessary to assure that during loading operations the loading arm is completely drained of liquid product before removal from the delivery vessel, so as to minimize the spillage of gasoline. Respondent shall also take all other actions necessary to minimize gasoline spillage.

4. Respondent shall take measures to assure that dome covers and other potential points of emission on all vessels loading and unloading at its facility are closed and sealed during the transfer operation, unless the dome cover must be open to allow the insertion of any loading or unloading apparatus into the vessel, or unless safety considerations require that an emission point be open for the purpose of venting.

5. Whenever possible, Respondent shall make arrangements to have vapor-laden delivery vessels bypass its small bulk plant and refill only at facilities equipped with a vapor recovery system or the equivalent.

IV. Nothing herein shall affect the responsibility of Respondent to comply with State or local regulations. This order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator (or his delegate) determines on the record, after notice and hearing, that an inability to comply with 40 CFR §§ 52.1595 and 52.1598 no longer exists.

V. Violation of any requirement of this order shall result in one or more of the following actions:

(a) Enforcement of such requirement pursuant to sections 113 (a), (b), or (c) of the Act, including possible judicial action for injunction and/or civil penalties, and, in appropriate cases, criminal prosecution.

(b) Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of 40 CFR §§ 52.1595 and 52.1598 in accordance with the preceding paragraph.

(c) If such violation continues beyond July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act, including the assessment of a noncompliance penalty.

So ordered, effective immediately.

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator,
U.S. Environmental Protection Agency.

CONSENT

George F. Taylor, having full authority to represent the Taylor Oil Co., Inc., in these proceedings, has read the foregoing order, believes it to be reasonable, and therefore consents to both its issuance and to its terms. Furthermore, Mr. Taylor acknowledges that the Somerville bulk plant of the Taylor Oil Co., Inc. is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. He explicitly waives both the notification requirement and the 30 day waiting period embodied in section 113(a) of the Act, recognizes that the Taylor Oil Co., Inc., is subject to all remedies provided in section 113 of the Act for failure to comply with the terms of the foregoing order, and explicitly waives any and all rights under any provision of law to challenge this order.

Dated: May 1, 1978.

GEORGE F. TAYLOR,
Taylor Oil Co., Inc.

U.S. ENVIRONMENTAL PROTECTION AGENCY—REGION II

In the matter of Globe Petroleum, Inc. (Red Bank, N.J.), consent order, index No. 80167.

This order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. ("the Act"). The order contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and 30 days notice to the State of New Jersey have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

Regulations of the U.S. Environmental Protection Agency ("EPA"), codified as sections 52.1595 and 52.1598 of title 40 of the code of Federal Regulations (40 CFR §§ 52.1595 and 52.1598), cover the transfer of gasoline from one vessel or storage tank to another in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions, and are part of the New Jersey State implementation plan ("SIP") as defined in section 110(d) of the Act. These regulations require that facilities utilized for the filling of gasoline delivery vessels and having a daily throughput of 20,000 gallons of gasoline or less (commonly called "small bulk plants") have a vapor control system in operation no later than May 31, 1977, so as to prevent release to the atmosphere of no less than 90 percent by weight of organic compounds in the vapors and gases displaced during any loading or unloading operation.

Globe Petroleum, Inc. (hereinafter, "Respondent") did not install the required vapor-control system at its small bulk plant at Red Bank, N.J. ("the subject facility") by May 31, 1977, and has not installed such a system as of the date of this order. Thus, Respondent, in loading and unloading gasoline at the subject facility, is in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598.

Pursuant to Respondent's request, EPA, region II has determined that it is reasonable to establish a compliance schedule which will allow Respondent additional time in which to install a vapor-control system at the subject facility, but which will require compliance with the above-cited regulations as expeditiously as is practicable.

Respondent acknowledges that the subject facility is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. Respondent explicity waives both the notification requirement and the 30 day waiting period embodied in section 113(a)(1) of the Act. Furthermore, Respondent consents to the issuance of this order, and to its terms. In accordance with the provisions of title 5, section 553 of the United States Code, this order will become effective immediately upon publication in the FEDERAL REGISTER of final rulemaking incorporating the terms of said order, inasmuch as Re-

spondent will by then have had substantial actual prior notice of the substantive terms of the order.

ORDER

Based upon the foregoing, after consideration of public comment, and pursuant to section 113(d) of the Act, it is hereby ordered:

I. That Respondent install the equipment necessary to bring the subject facility into compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 in accordance with the following schedule:

(a) By no later than June 15, 1978, the necessary contracts for the installation of a vapor-control system shall be signed.

(b) By no later than August 1, 1978, onsite construction of a vapor-control system shall be completed.

(c) By no later than September 1, 1978, and at all times thereafter, all gasoline loading and unloading operations at the subject facility shall be performed in full compliance with the provisions of 40 CFR §§ 52.1595 and 52.1598.

II. That no later than 5 days after any date specified in paragraph I, above for achievement of any incremental step (including final compliance), Respondent shall notify EPA in writing of its status of compliance with respect to the said requirement. If compliance with any incremental step is not achieved in a timely manner, the notification required by this paragraph shall provide a full explanation of such noncompliance, which explanation shall not be held to excuse the noncompliance. If delay is anticipated in meeting any requirement of this order, Respondent shall immediately notify EPA in writing of the anticipated delay and the reasons therefor. Notification to EPA of any anticipated delay shall not be held to excuse the delay.

All submittals and notifications to EPA pursuant to this order shall be made to Mr. Gerald De Gaetano, Air and Environmental Applications Section, Status of Compliance Branch, Enforcement Division, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

III. Beginning immediately upon the effective date of this order, Respondent shall comply with the following requirements, which are determined to be the most reasonable and practicable means of minimizing pollutant emissions from the subject facility during the interim period until final compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 is achieved:

1. Respondent shall monitor its operating procedures during the loading and unloading of gasoline so as to prevent to the greatest extent possible the release to the atmosphere of unnecessary emissions of organic compounds in vapors and gases created during any gasoline transfer operation.

2. If Respondent makes use of top-loading procedures for the filling of gasoline delivery vessels, Respondent shall use a loading arm with a loading spout extended to within 6 inches of the bottom of the tank being filled. During the top-loading operation, the loading rate shall be decreased until the bottom of the spout is covered with product.

3. Respondent shall take the action necessary to assure that during loading operations the loading arm is completely drained of liquid product before removal from the delivery vessel, so as to minimize the spillage of gasoline. Respondent shall also take all other actions necessary to minimize gasoline spillage.

4. Respondent shall take measures to assure that dome covers and other potential points of emission on all vessels loading and unloading at its facility are closed and sealed during the transfer operation, unless the dome cover must be open to allow the insertion of any loading or unloading apparatus into the vessel, or unless safety considerations require that an emission point be open for the purpose of venting.

5. Whenever possible, Respondent shall make arrangements to have vapor-laden delivery vessels bypass its small bulk plant and refill only at facilities equipped with a vapor recovery system or the equivalent.

IV. Nothing herein shall affect the responsibility of Respondent to comply with State or local regulations. This order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator (or his delegate) determines on the record, after notice and hearing, that an inability to comply with 40 CFR §§ 52.1595 and 52.1598 no longer exists.

V. Violation of any requirement of this order shall result in one or more of the following actions:

(a) Enforcement of such requirement pursuant to section 113 (a), (b), or (c) of the Act, including possible judicial action or injunction and/or civil penalties, and, in appropriate cases, criminal prosecution.

(b) Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of 40 CFR §§ 52.1595 and 52.1598 in accordance with the preceding paragraph.

(c) If such violation continues beyond July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act, including the assessment of a noncompliance penalty.

So ordered, effective immediately.

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator, U.S. Environmental Protection Agency.

CONSENT

Ralph Mazzucca, president, having full authority to represent Globe Petroleum, Inc. in these proceedings, has read the foregoing order, believes it to be reasonable, and therefore consents to both its issuance and to its terms. Furthermore, Mr. Mazzucca acknowledges that the Red Bank bulk plant of Globe Petroleum, Inc. is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. He explicitly waives both the notification requirement and the 30-day waiting period embodied in section 113(a) of the Act, recognizes that Globe Petroleum, Inc. is subject to all remedies provided in section 113 of the Act for failure to comply with the terms of the foregoing order, and explicitly waives any and all rights under any provision of law to challenge this order.

Dated: March 20, 1978.

RALPH MAZZUCCA,
President, Globe Petroleum, Inc.

U.S. ENVIRONMENTAL PROTECTION AGENCY—REGION II

CONSENT ORDER, INDEX NO. 80169

In the matter of Andrews Oil Co. (Salem, N.J.).

This order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. ("the Act"). The order contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and 30 days' notice to the State of New Jersey have been provided pursuant to section 113(d)(1) of the act.

FINDINGS

Regulations of the U.S. Environmental Protection Agency ("EPA"), codified as sections 52.1595 and 52.1598 of title 40 of the Code of Federal Regulations (40 CFR §§ 52.1595 and 52.1598), cover the transfer of gasoline from one vessel or storage tank to another in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia interstate air quality control regions, and are part of the New Jersey State implementation plan ("SIP") as defined in section 110(d) of the Act. These regulations require that facilities utilized for the filling of gasoline delivery vessels and having a daily throughput of 20,000 gallons of gasoline or less (commonly called "small bulk plants") have a vapor control system in operaion no later than May 31, 1977, so as to prevent release to the atmosphere of no less than 90 percent by weight of organic compounds in the vapors and gases displaced during any loading or unloading operation.

The Andrews Oil Co. (hereinafter, "Respondent") did not install the required vapor-control system at its small bulk plant at Salem, N.J. ("the subject facility") by May 31, 1977, and has not installed such a system as of the date of this order. Thus, Respondent, in loading and unloading gasoline at the subject facility, is in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598.

Pursuant to Respondent's request, EPA, region II has determined that it is reasonable to establish a compliance schedule which will allow Respondent additional time in which to install a vapor-control system at the subject facility, but which will require compliance with the above-cited regulations as expeditiously as is practicable.

Respondent acknowledges that the subject facility is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. Respondent explicitly weaives both the notification requirement and the 30-day waiting period embodied in section 113(a)(1) of the Act. furthermore, Respondent consents to the issuance of this order, and to its terms. In accordance with the provisions of title 5, section 553 of the Unites States Code, this order will become effective immediately upon publication in the FEDERAL REGISTER of final rulemaking incorporating the terms of said order, inasmuch as Respondent will by then have had substantial actual prior notice of the substantive terms of the order.

ORDER

Based upon the foregoing, after consideration of public comment, and pursuant to section 113(d) of the Act, it is hereby ordered:

I. That Respondent install the equipment necessary to bring the subject facility into compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 in accordance with the following schedule:

(a) By no later than July 1, 1978, the necessary contracts for the installation of a vapor-control system shall be signed.

(b) By no later than September 1, 1978, onsite construction of a vapor-control system shall be completed.

(c) By no later than October 1, 1978, and at all times thereafter, all gasoline loading and unloading operations at the subject facility shall be performed in full compliance with the provisions of 40 CFR §§ 52.1595 and 52.1598.

Provided that, should Respondent notify EPA, by no later than July 1, 1978, that it will not utilize the subject facility for the storage of gasoline after October 1, 1978, then the above-listed compliance schedule shall not apply, and the subject facility may operate without the installation of the controls required in said schedule (but in conformity with section III below) until the date the subject facility ceases to store gasoline, which date shall in no event be later than October 1, 1978.

II. That no later than 5 days after any date specified in paragraph I, above for achievement of any incremental step (including final compliance), Respondent shall notify EPA in writing of its status of compliance with respect to the said requirement. If compliance with any incremental step is not achieved in a timely manner, the notification required by this paragraph shall provide a full explanation of such noncompliance, which explanation shall not be held to excuse the noncompliance. If delay is anticipated in meeting any requirement of this order, Respondent shall immediately notify EPA in writing of the anticipated delay and the reasons therefor. Notification to EPA of any anticipated delay shall not be held to excuse the delay.

All submittals and notifications to EPA pursuant to this order shall be made to Mr. Gerald De Gaetano, Air and Environmental Applications Section, Status of Compliance Branch, Enforcement Division, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

III. Beginning immediately upon the effective date of this order, Respondent shall comply with the following requirements, which are determined to be the most reasonable and practicable means of minimizing pollutant emissions from the subject facility during the interim period until final compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 is achieved:

1. Respondent shall monitor its operating procedures during the loading and unloading of gasoline so as to prevent to the greatest extent possible the release to the atmosphere of unnecessary emissions of organic compounds in vapors and gases created during any gasoline transfer operation.

2. If Respondent makes use of top-loading procedures for the filling of gasoline delivery vessels, Respondent shall use a loading arm with a loading spout extended to within 6 inches of the bottom of the tank being filled. During the top-loading operation, the loading rate shall be decreased until the bottom of the spout is covered with product.

3. Respondent shall take the action necessary to assure that during loading operations the loading arm is completely drained of liquid product before removal from the delivery vessel, so as to minimize the spillage of gasoline. Respondent shall also take all other actions necessary to minimize gasoline spillage.

4. Respondent shall take measures to assure that dome covers and other potential points of emission on all vessels loading and unloading at its facility are closed and sealed during the transfer operation, unless the dome cover must be open to allow the insertion of any loading or unloading apparatus into the vessel, or unless safety considerations require that an emission point be open for the purpose of venting.

5. Whenever possible, Respondent shall make arrangements to have vapor-laden delivery vessels bypass its small bulk plant and refill only at facilities equipped with a vapor recovery system or the equivalent.

IV. Nothing herein shall affect the responsibility of Respondent to comply with State or local regulations. This order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator (or his delegate) determines on the record, after notice and hearing, that an inability to comply with 40 CFR §§ 52.1595 and 52.1598 no longer exists.

V. Violation of any requirement of this order shall result in one or more of the following actions:

(a) Enforcement of such requirement pursuant to section 113 (a), (b), or (c) of the Act, including possible judicial action for injunction and/or civil penalties, and, in appropriate cases, criminal prosecution.

(b) Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of 40 CFR §§ 52.1595 and 52.1598 in accordance with the preceding paragraph.

(c) If such violation continues beyond July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act, including the assessment of a noncompliance penalty.

So ordered, effective immediately.

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator, U.S. Environmental Protection Agency.

CONSENT

G. G. Andrews, Jr., president, having full authority to represent the Andrews Oil Co. in these proceedings, has read the foregoing order, believes it to be reasonable, and therefore consents to both its issuance and to its terms. Furthermore, Mr. Andrews acknowledges that the Salem bulk plant of the Andrews Oil Co. is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. He explicitly waives both the notification requirement and the 30-day waiting period embodied in section 113(a) of the Act, recognizes that the Andrews Oil Co. is subject to all remedies provided in section 113 of the Act for failure to comply with the terms of the foregoing order, and explicitly waives any and all rights under any provision of law to challenge this order.

Dated: March 24, 1978.

G. G. ANDREWS, Jr.,
President.
CARLA H. ANDREWS,
Secretary, Andrews Oil Co.

These species were underharvested in 1977, although biological data collected by the National Marine Fisheries Service indicate that the stocks could have been fished at a higher level had a more intensive fishery been conducted. Consequently, the Assistant Administrator for Fisheries adjusts the 1978 OY's as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY—REGION II

In the matter of Agway Petroleum Corp., (Syracuse, N.Y.), consent order, index No. 80170.

This order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. ("the Act"). The order contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and 30 days notice to the State of New Jersey have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

Regulations of the U.S. Environmental Protection Agency ("EPA"), codified as sections 52.1595 and 52.1598 of title 40 of the Code of Federal Regulations (40 CFR §§ 52.1595 and 52.1598), cover the transfer of gasoline from one vessel or storage tank to another in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions, and are part of the New Jersey State Implementation Plan ("SIP") as defined in section 110(d) of the Act. These regulations require that facilities utilized for the filling of gasoline delivery vessels and having a daily throughput of 20,000 gallons of gasoline or less (commonly called "small bulk plants") have a vapor control system in operation no later than May 31, 1977 so as to prevent release to the atmosphere of no less than 90 percent by weight of organic compounds in the vapors and gases displaced during any loading or unloading operation.

Agway Petroleum Corp. (hereinafter, "Respondent") did not install the required vapor-control system at its small bulk plant at Mount Holly, N.J. ("the subject facility") by May 31, 1977, and has not installed such a system as of the date of this Order. Respondent has also not installed such a system on its Chester, Freehold, or Hightstown, N.J., small bulk plants as of this date. Thus, Respondent, in loading and unloading gasoline at these four facilities, is in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598.

Pursuant to Respondent's request, EPA, Region II has determined that it is reasonable to establish a compliance schedule which will allow Respondent additional time in which to install a vapor-control system at the subject facility, but which will require compliance with the above-cited regulations as expeditiously as is practicable. Respondent has agreed to reduce the gasoline throughput at the other above-cited small bulk plants below 4,000 gallons per day, and thus it will not be required to install vapor-control systems at these facilities at this time. EPA has provided in the compliance schedule included herein a date by which gasoline throughput at these facilities must be reduced below 4,000 gallons per day.

Respondent acknowledges that the subject facility is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598. Respondent explicitly waives both the notification requirement and the 30-day

waiting period embodied in section 113(a)(1) of the Act. Futhermore, Respondent consents to the issuance of this order, and to its terms. In accordance with the provisions of title 5, section 553 of the United States Code, this order will become effective immediately upon publication in the FEDERAL REGISTER of final rulemaking incorporating the terms of said order, inasmuch as Respondent will by then have had substantial actual prior notice of the substantive terms of the order.

ORDER

Based upon the foregoing, after consideration of public comment, and pursuant to section 113(d) of the Act, it is hereby ordered:

I. That Respondent install the equipment necessary to bring the subject facility and its other facilities listed below into compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 in accordance with the following schedule:

(a) By no later than June 15, 1978, the necessary contracts for the installation of a vapor-control system at the subject facility shall be signed.

(b) By no later than August 1, 1978, onsite construction of a vapor-control system at the subject facility shall be completed.

(c) By no later than September 1, 1978, and at all times thereafter, all gasoline loading and unloading operations at the subject facility shall be performed in full compliance with the provisions of 40 CFR §§ 52.1595 and 52.1598.

(d) By no later than June 1, 1978, Respondent shall reduce the gasoline throughput at its Chester, Freehold and Hightstown, N.J., small bulk plants to a level below 4,000 gallons per day, and at all times thereafter it shall insure that the daily gasoline throughput at each of these facilities is less than 4,000 gallons per day unless and until such time as Respondent shall install vapor-control systems at these locations so as to bring them into compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598.

II. That no later than 5 days after any date specified in paragraph I, above for achievement of any incremental step (including final compliance), respondent shall notify EPA in writing of its status of compliance with respect to the said requirement. If compliance with any incremental step is not achieved in a timely manner, the notification required by this paragraph shall provide a full explanation of such noncompliance, which explanation shall not be held to excuse the noncompliance. If delay is anticipated in meeting any requirement of this order, respondent shall immediately notify EPA in writing of the anticipated delay and the reasons therefor. Notification to EPA of any anticipated delay shall not be held to excuse the delay.

All submittals and notifications to EPA pursuant to this order shall be made to Mr. Gerald DeGaetano, Air and Environmental Applications Section, Status of Compliance Branch, Enforcement Division, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

III. Beginning immediately upon the effective date of this order, respondent shall comply with the following requirements, which are determined to be the most reasonable and practicable means of minimizing pollutant emissions from the subject facility during the interim period until final compliance with the requirements of 40 CFR §§ 52.1595 and 52.1598 is achieved:

1. Respondent shall monitor its operating procedures during the loading and unloading of gasoline so as to prevent to the greatest extent possible the release to the atmosphere of unnecessary emissions of organic compounds in vapors and gases created during any gasoline transfer operation.

2. If respondent makes use of top-loading procedures for the filling of gasoline delivery vessels, respondent shall use a loading arm with a loading spout extended to within 6 inches of the bottom of the tank being filled. During the top loading operation, the loading rate shall be decreased until the bottom of the spout is covered with product.

3. Respondent shall take the action necessary to assure that during loading operations the loading arm is completely drained of liquid product before removal from the delivery vessel, so as to minimize the spillage of gasoline. Respondent shall also take all other actions necessary to minimize gasoline spillage.

4. Respondent shall take measures to assure that dome covers and other potential points of emission on all vessels loading and unloading at its facility are closed and sealed during the transfer operation, unless the dome cover must be open to allow the insertion of any loading or unloading apparatus into the vessel, or unless safety considerations require that an emission point be open for the purpose of venting.

5. Whenever possible, respondent shall make arrangements to have vapor-laden delivery vessels bypass its small bulk plant and refill only at facilities equipped with a vapor recovery system or the equivalent.

IV. Nothing herein shall affect the responsibility of respondent to comply with State or local regulations. This order shall be terminated in accordance with section 113(d)(8) of the act if the Administrator (or his delegate) determines on the record, after notice and hearing, that an inability to comply with 40 CFR §§ 52.1595 and 52.1598 no longer exists.

V. Violation of any requirement of this order shall result in one or more of the following actions:

(a) Enforcement of such requirement pursuant to sections 113 (a), (b), or (c) of the act, including possible judicial action for injunction and/or civil penalties, and, in appropriate cases, criminal prosecution.

(b) Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of 40 CFR §§ 52.1595 and 52.1598 in accordance with the preceding paragraph.

(c) If such violation continues beyond July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the act, including the assessment of a noncompliance penalty.

So ordered, effective immediately.

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator, U.S. Environmental Protection Agency.

CONSENT

The undersigned, having full authority to represent Agway Petroleum Corp. in these proceedings, has read the foregoing order, believes it to be reasonable, and therefore consents to both its issuance and to its terms. Furthermore, the undersigned acknowledges that the Mount Holly bulk plant of Agway Petroleum Corp. is presently in violation of the requirements of 40 CFR §§ 52.1595 and 52.1598, as are its Chester, Freehold, and Hightstown, N.J., bulk plants. He explicitly waives both the notification requirement and the 30-day waiting period embodied in section 113(a) of the act, recognizes that Agway Petroleum Corp. is subject to all remedies provided in section 113 of the act for failure to comply with the terms of the foregoing order, and explicitly waives any and all rights under any provision of law to challenge this order.

Dated: April 26, 1978.

E. H. YOUNG,
President, Agway Petroleum Corp.

[FR Doc. 78-32604 Filed 11-16-78; 4:43 pm]

[6820-24-M]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Temp. Reg. G-39]

APPENDIX—TEMPORARY REGULATIONS

Acquisition of Fuel-Efficient Light Trucks by the Federal Government

AGENCY: Federal Supply Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation establishes policy and procedures governing the acquisition of light trucks by executive agencies beginning in fiscal year 1979. This policy is mandated by Executive Order 12003, dated July 20, 1977, which requires that all classes of nonpassenger automobiles (light trucks) acquired by executive agencies achieve certain fleet average fuel economies. This temporary regulation sets forth current standards for the acquisition of light trucks.

DATES: Effective date: October 1, 1978. Expiration date: September 30, 1979. Comments due: On or before December 1, 1978.

ADDRESS: General Services Administration (FAF), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT:

John I. Tait, 703-557-1914, Director, Regulations and Management Control Division.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).)

In 41 CFR Chapter 101, the following temporary regulation is listed in

the appendix at the end of subchapter G.

JAY SOLOMON,
Administrator of General Services.

NOVEMBER 16, 1978.

[Federal Property Management Regs.: Temporary Reg. G-39]

ACQUISITION OF FUEL-EFFICIENT LIGHT TRUCKS BY THE FEDERAL GOVERNMENT

NOVEMBER 16, 1978.

1. *Purpose.* This regulation establishes policy and procedures governing the acquisition of light trucks by executive agencies beginning in fiscal year 1979.

2. *Effective date.* This regulation is effective October 1, 1978.

3. *Expiration date.* This regulation expires September 30, 1979, unless sooner revised or superseded. Before the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration (GSA) appearing in Title 41 CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to executive agencies as defined in subparagraph 5d.

5. *Background.* a. Title III of the Energy Policy and Conservation Act added Title V, Improving Automotive Efficiency, to the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.). Executive Order 11912, dated April 13, 1976, designated and empowered the Administrator of General Services to perform the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010).

b. Subsequent to the publication of Executive Order 11912, Executive Order 12003, dated July 20, 1977, was issued, which provided additional requirements to those already established by the documents cited in subparagraph a, above. Executive Order 12003 requires that the Administrator of General Services promulgate rules that ensure that each class of nonpassenger automobiles (hereafter referred to as light trucks) acquired by all executive agencies, beginning in fiscal year 1979, achieve a fleet average fuel economy equal to or greater than the fuel economy standard established for that model year by the Secretary of Transportation.

c. The applicable fleet average fuel economy objectives by fiscal year are as follows:

Fiscal year	Fleet average fuel economy miles per gallon (mpg)	
	4 by 2	4 by 4
1979	17.2	15.8
1980[1]	16.0	14.0
1981[1]	18.0[2]	15.5[2]
1982-85	(3)	(3)

[1] GVWR limit of vehicles covered by the average fuel economy standards program to be raised from 6,000 to 8,500 pounds in 1980.

[2] Will be reduced by 0.5 mpg if the Environmental Protection Agency does not approve use of improved lubricants by January 1, 1980.

[3] To be determined by the Secretary of Transportation.

d. As used in this regulation:

(1) "Fleet average fuel economy" means the total number of light trucks acquired during a fiscal year by executive agencies (excluding light trucks designed to perform combat-related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work) divided by a sum of terms, each term of which is a fraction created by dividing the number of light trucks so acquired of a given model type by the fuel economy of that model type.

(2) "Executive agency" means an executive department, a Government corporation, or an independent establishment.

(3) "Acquired" means purchased or leased for a period of 60 continuous days or more but does not include light trucks obtained on assignment from the interagency motor pool system or rented through the Federal supply schedule for periods less than 60 days.

(4) "Light trucks" means any truck up to 6,000 pounds gross vehicle weight rating (GVWR) which is a 4-wheeled vehicle propelled by fuel (gasoline or diesel oil) and is manufactured primarily for use on public streets, roads, and highways. For purposes of this regulation light trucks shall mean those vehicles within the purview of Federal specifications KKK-T-723 (commercial light trucks, 4 by 2), types IA, IIB, IIIB, IVB, VIB, and XIB; and KKK-T-645 (commercial light trucks, 4 by 4) types IA, IB, and VIB. These vehicles are also covered by Federal Standards 307 (commercial light trucks, 4 by 2) items 1, 20, 30, 40, 60, and 110; and 292 (commercial light trucks, 4 by 4) items 5, 6, and 65.

6. *Policy and procedures.* a. The policy and procedures set forth in this regulation govening the acquisition of light trucks by executive agencies beginning in fiscal year 1979 are in compliance with Pub. L. 94-163 and Executive Orders 11912 and 12003. Attachment A outlines the procedures for acquiring fuel-efficient light trucks, and attachment B lists the miles per gallon (MPG) ratings to be used in the calculations.

b. Requisitions submitted to GSA for light trucks shall be in conformance with the requirements of § 101-26.501 and subpart 101-38.13.

c. Additionally, requisitions for light trucks submitted to GSA pursuant to agency forecasts developed in compliance with this regulation shall contain a certification that the acquisition is in conformance with Executive Order 12003, as implemented by this regulation. Each civilian executive agency, the Office of the Secretary of Defense, the military services, and defense agencies shall designate an official who shall be responsible for providing this certification and shall furnish the name, address, and telephone number of the official to the General Services Administration (FZ), Washington, D.C. 20406.

d. The fleet average fuel economy for all light trucks acquired by an executive agency for each fiscal year must meet or exceed the fleet average fuel economy for their respective classes of light trucks as shown in the corresponding fiscal year column in subparagraph 5c of this regulation.

(1) The provisions of this regulation are not applicable to light trucks designed to perform combat-related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work.

(2) An agency may request an exemption from the provisions of paragraph 6d for individual light trucks used for special purposes. These requests shall be submitted in writing to the General Services Administration (A), Washington, D.C. 20405, and shall state the reasons supporting the proposed acquisition of a light truck which will not enable the agency to meet the fleet average fuel economy established by Executive Order 12003 and this regulation. The Administrator of General Services will review the request and, with the concurrence of the Secretary of Energy, determine the merits of the request, then inform the requesting agency of the determination. Light trucks exempted under the provisions of this subparagraph 6d(2) shall not be included in the calculation of an agency's fleet average fuel economy.

7. *Agency comments.* Agency comments with regard to clarification of the policy and procedures in this regulation may be sent to the General Services Administration (FAF), Washington, D.C. 20406, no later than December 1, 1978, for consideration and possible incorporation into the permanent regulation.

8. *Reports.* The report required by this regulation is in conformance with the provisions of subpart 101-11.11 and has been assigned interagency report control number 0162-GSA-AN.

[FPMR Temp. Reg. G-39]

ATTACHMENT A

ACQUISITION OF FUEL-EFFICIENT LIGHT TRUCKS

1. *Authority.* Section 1(b) of Executive Order 12003, dated July 20, 1977, requires that the Administrator of General Services expand the program for the acquisition of fuel-efficient motor vehicles to include light trucks beginning in fiscal year 1979.

2. *Implementation.* In compliance with the Executive order, GSA will administer a consolidated Federal fleet acquisition plan for light trucks acquired by executive agencies. The plan will be composed of two sections, covering both 4 by 2 and 4 by 4 light trucks. It will be based on forecasts of total light truck acquisition requirements by item number (from the Federal standard) submitted by executive agencies to GSA by December 15 of each fiscal year. This forecast will serve as substantiation that each agency's acquisition plan is in conformance with the provisions of the Executive order; i.e., the agency plan will result in the achievement of the fleet average fuel economy prescribed for the applicable fiscal year. GSA will administer the plan by maintaining a master record of the miles per gallon rating for light trucks actually acquired by each agency during the fiscal year. Periodically, each agency will be furnished a listing of vehicles acquired with the cumulative fleet average fuel economy attained to compare with its forecast. This will enable an agency to adjust future vehicle acquisitions, when necessary, to comply with the Executive order by the end of the fiscal year. The Federal fleet plan will enable GSA to predict the total fleet average fuel economy to be achieved by all executive agencies prior to the end of the fiscal year and to provide management assistance to agencies, when necessary, to insure compliance with the Executive order. Forecasts of planned acquisitions shall be sent to the General Services Administration (FZ), Washington, D.C. 20406, not later than December 15 of each fiscal year, in the format illustrated in figure A-1. Interagency report control number 0162-GSA-AN has been assigned to this requested forecast. The miles per gallon ratings to be used in the forecast are illustrated in attachment B.

3. *Agency responsibilities.* a. Executive agencies shall furnish GSA a forecast of the total light truck acquisition requirements for each fiscal year based on the combined city/highway mileage ratings for light trucks developed by the Environmental Protection Agency (EPA). Despite EPA's decision to publicize only the city mileage ratings for vehicles 6,000 pounds GVWR and under in model year 1979, EPA will provide the combined city/highway ratings to GSA. In turn, GSA will furnish this information to agencies to enable them to plan the acquisitions and to prepare the forecasts. Agencies which do not plan any such acquisitions (purchases or commercial leases) or which satisfy the total vehicle requirements through the GSA Interagency Motor Pool System shall furnish a negative forecast. Agencies which need additional copies of the mpg ratings (for 49 States and California vehicles) may write to the General Services Administration (FZ), Washington, D.C. 20406. A sample calculation to clarify how the fleet average fuel economy is derived is illustrated in figure A-2.

b. The forecast of the total agency light truck acquisition requirements shall include trucks to be procured or leased and used in the conterminous United States, Alaska, Hawaii, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico. The forecast shall not include light trucks (1) procured or leased and/or to be used outside the foregoing areas, (2) designed to perform combat-related missions for the Armed Forces, or (3) designed to be used in law enforcement work or emergency rescue work.

c. Requisitions for light trucks sent to GSA for procurement action but for which a contract is not effected during the same fiscal year the requisitions are submitted should be included in the agency's acquisition forecasts for the following fiscal year.

d. When a light truck lease contains an option to renew and the option is exercised, that renewal action shall count as a new acquisition and shall be included in the applicable year's forecast.

3. In order to maintain a master record of all light truck acquisitions, agencies shall forward to the General Services Administration (FZ), Washington, D.C. 20406, copies of all agreements for the leasing of light trucks for a period of 60 continuous days or more, including agreements to renew existing leases. When the lease agreement does not provide the following information, it shall be submitted as an attachment to the lease.

(1) Year.
(2) Make.
(3) Model.
(4) Transmission type (if manual, number of forward speeds).
(5) Cubic inch displacement.
(6) Fuel system (fuel injection or carburetor (number of barrels)).
(7) Whether it is a 4 by 2 or 4 by 4.
(8) If leased in California.

4. *GSA responsibilities.* a. GSA will incorporate into the Federal fleet plan forecasts of light truck acquisition requirements received from executive agencies. GSA assistance may be requested in preparing forecasts prior to submission.

b. Each agency will be furnished periodically a listing by GSA showing the status of light trucks acquired with the fleet average fuel economy achieved to enable the agency to determine the extent to which it is in conformance with the forecast originally submitted to GSA. The listing will enable an agency to make adjustments to its acquisition plan, when necessary, to insure that its fleet average fuel economy is achieved for the applicable fiscal year.

c. Submission of requisitions for procurement or requests for authority to lease light trucks which, in the opinion of GSA, will result in noncompliance with the fleet average fuel economy by the end of the fiscal year may result in requisitions being held in abeyance pending adjustment to the agency's acquisition plan.

[FPMR Temp. Reg. G-39]

ATTACHMENT A

GENERAL SERVICES ADMINISTRATION (FZ), WASHINGTON, D.C. 20406

The forecast for the total 4 by 2 light trucks to be acquired (procured or leased for 60 continuous days or more, but not obtained from the interagency motor pool system) by (agency) during fiscal year 1979 is as follows:

4 by 2

Van-wagon and van-panel (items 20 and 30):
100—49 States where the lowest EPA city/highway fuel economy rating for a 6-cylinder automatic is 17 mpg.
50—California where the lowest EPA city/highway fuel economy rating for an 8-cylinder automatic is 14 mpg.

Pickup (item 40):
200—49 States, 6-cylinder automatic (17 mpg).
50—California, 8-cylinder automatic (14 mpg).

Pickup, compact (item 60):
150—49 States, 4-cylinder automatic (22 mpg).
25—California, 4-cylinder, 4-speed manual (24 mpg).

Sedan, delivery (item 110):
25—49 States, 6-cylinder automatic (19 mpg).

The forecast for the total 4 by 4 light trucks to be acquired by (agency) during fiscal year 1979 is as follows:

4 by 4

Trucks, utility (items 5 and 6):
180—49 States, 6-cylinder automatic (18 mpg).
10—California, 8-cylinder, 3-speed manual (15 mpg).

Excluding light trucks designed to perform combat-related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work, the total planned acquisitions for fiscal year 1979 are calculated to yield a fleet average fuel economy for 4 by 2 trucks of 17.7 miles per gallon and for 4 by 4 trucks of 17.8 miles per gallon.

Interagency report control No. 0162-GSA-AN is assigned to this forecast.

Name _____
Title _____
Address _____
Telephone number _____

FIGURE A-1.—Sample agency acquisition forecast.

The fleet average fuel economy is determined by dividing the total number of light trucks of a certain configuration (4 by 2 and 4 by 4) to be acquired by a sum of terms, each term of which is a fraction created by dividing the number of light trucks of a given model type by the fuel economy of that model type.

This method of calculating the fleet average fuel economy uses harmonic averaging and is specifically required by section 510 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 915, 15 U.S.C. 2010).

The fleet average fuel economy shown in Figure A-1 has been calculated as follows:

4 by 2

Total number of light trucks (600) divided by:

1. Six-cylinder automatic transmission van-wagons and van-panels for use in 49 States (100) divided by 17 mpg, plus

2. Eight-cylinder automatic transmission van-wagons and van-panels for use in California (50) divided by 14 mpg, plus

3. Six-cylinder automatic transmission pickups for use in 49 States (200) divided by 17 mpg, plus

4. Eight-cylinder automatic transmission pickups for use in California (50) divided by 14 mpg, plus

5. Four-cylinder automatic transmission compact pickups for use in 49 States (150) divided by 22 mpg, plus

6. Four cylinder, 4-speed manual transmission compact pickups for use in California (25) divided by 24 mpg, plus

7. Six-cylinder automatic transmission sedan deliveries for use in 49 States (25) divided by 19 mpg.

$$= \frac{600}{\frac{100}{17} + \frac{50}{14} + \frac{200}{17} + \frac{50}{14} + \frac{150}{22} + \frac{25}{24} + \frac{25}{19}}$$

$$= \frac{600}{5.88 + 3.57 + 11.76 + 3.57 + 6.82 + 1.04 + 1.32}$$

$$= \frac{600}{33.96} = 17.7 \text{ (Rounded to the nearest 0.1 mpg)}$$

FIGURE A-2.—Illustration of sample calculation to determine fleet average fuel economy.

4 by 4

Total number of light trucks (190) divided by:

1. Six-cylinder automatic transmission utility trucks for use in 49 States (180) divided by 18 mpg, plus

2. Eight cylinder, 3-speed manual transmission utility trucks for use in California (10) divided by 15 mpg.

$$= \frac{190}{\frac{180}{18} + \frac{10}{15}}$$

$$= \frac{190}{10.0 + .67}$$

$$= \frac{190}{10.67} = 17.8 \text{ (Rounded to nearest 0.1 mpg)}$$

FIGURE A-2.—Illustration of sample calculation to determine fleet average fuel economy.

MILES PER GALLON RATINGS TO BE USED IN FORECASTING TOTAL FLEET LIGHT TRUCK ACQUISITIONS FOR FISCAL YEAR 1979

1. Forecasts of total agency light truck acquisitions for fiscal year 1979 shall be based on the model types of light trucks listed in this attachment. The miles per gallon ratings shown in the listing represent the lowest fuel economy for combined city/highway driving as tested by EPA.

2. Each executive agency submitting a forecast of total agency light truck acquisitions will receive from GSA the EPA 1979 miles per gallon ratings when this information is made available from EPA.

3. When the GSA listings indicate that the agency fleet average fuel economy is not in conformance with the 4 by 2 17.2 mpg objective or the 4 by 4 15.8 mpg objective, an agency shall revise its acquisition plan accordingly. The EPA 1979 mpg ratings shall be used when revisions are necessary.

Light Truck and Model Types and Ratings

Light truck and model type		Combined city/highway fuel economy mpg	
		49 States	California
4 by 2			
Utility (item 1), such as AM general dispatcher:			
Standard 4 cylinder	Automatic	21	18
Standard 6 cylinder	do	18	16
Van-wagon and van-panel (items 20 and 30), such as Chevrolet Sportsvan and Dodge Sportsman and Tradesman, and Ford Club Wagon and Econoline:			
Standard 6 cylinder	Manual 3 speed	18	NA
	Manual 4 speed	19	NA
	Automatic	17	NA
Standard 8 cylinder	Manual 3 speed	16	NA
	Manual 4 speed	17	NA
	Automatic	14	14
Pickup (item 40), such as Chevrolet C10, Dodge D100, and Ford F-100:			
Standard 6 cylinder	Manual 3 speed	18	NA
	Manual 4 speed	18	NA
	Automatic	17	NA
Standard 8 cylinder	Manual 3 speed	16	NA
	Manual 4 speed	16	NA
	Automatic	14	14
Extra power 8 cylinder	Manual 3 speed	15	NA
	Manual 4 speed	NA	NA
	Automatic	14	12
Diesel engine	Manual	NA	NA
	Automatic	22	NA
Compact pickup (item 60), such as Chevrolet LUV, Ford Courier, and Dodge D50:			
Standard 4 cylinder	Manual 4 speed	25	24
	Automatic	22	22
Sedan delivery (item 110), such as AMC Concord, Chevrolet Malibu, Ford Fairmont, and Plymouth Volare:			
Standard 6 cylinder	Manual	21	NA
	Automatic	19	16
Standard 8 cylinder	Manual	18	NA
	Automatic	18	17
4 by 4			
Utility truck (items 5 and 6), such as AMC CJ5, CJ7, a nd IHC Travel Top:			
Standard 6 cylinder	Manual	18	17
	Automatic	18	16
Standard 8 cylinder	Manual	16	15
	Automatic	15	NA
Compact pickup (item 65), such as Chevrolet LUV:			
Standard 4 cylinder	Manual	22	22

NOTE.—NA - Not available.

[FR Doc. 78-32767 Filed 11-21-78; 8:45 am]

[6820-24-M]

[FPMR Temp. Reg. G-38]

APPENDIX—TEMPORARY REGULATIONS

Requirements for Reporting Transportation Payment Data

AGENCY: General Services Administration, Federal Supply Service.

ACTION: Temporary regulation.

SUMMARY: By this temporary regulation, GSA is establishing requirements for Federal executive agencies to report statistical data on Federal transportation procurements. The data from this report will be used to measure and assess the impact of Government procurement of transportation services on the Nation's economy and to develop policy on the procurement of transportation services.

DATES: Effective date: October 1, 1978. Expiration date: September 30, 1979. Comments due: On or before January 31, 1979.

ADDRESS: Comments should be submitted to the General Services Administration (FAF), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, telephone 703-557-1914.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of subchapter G to read as follows:

[Federal Property Management Regs.: Temporary Reg. G-38]

REQUIREMENTS FOR REPORTING TRANSPORTATION PAYMENT DATA

1. *Purpose.* This regulation requires executive agencies to submit transportation payment data to GSA.

2. *Effective date.* This regulation is effective October 1, 1978.

3. *Expiration date.* This regulation expires September 30, 1979, unless revised or superseded sooner.

4. *Applicability.* This regulation applies to all executive agencies procuring freight and passenger transportation services on Government bills of lading and Government transportation requests which are submitted to GSA for audit in accordance with 49 U.S.C. 66.

5. *Background.* The Office of Federal Procurement Policy, OMB, has established the Federal procurement data system to assemble, organize, and present contract placement data for the Federal Government. The data available from this system can be used to measure and assess the impact of Government procurement on the Nation's economy, determine the extent to which small business firms and minority business enterprises are selling goods and services to the Government, and develop procurement policy and procedures for management control purposes. The system does not presently contain data on transportation procurement. The Office of Federal Procurement Policy has determined that transportation procurement data should be included in the system and has directed that GSA provide the necessary data.

6. *Reporting requirements.* Executive agencies shall report on a quarterly basis all payments to carriers and forwarders for freight and passenger transportation services furnished for the account of the United States on Government bills of lading and Government transportation requests audited by GSA pursuant to 49 U.S.C. 66. The reports shall be submitted within 15 calendar days following each quarter to the General Services Administration (BDA), Chester A. Arthur Building, Washington, D.C. 20406. The first quarterly report shall cover payments made from October 1 through December 31, 1978. Each report shall include the name and station number of the paying office, the dates of the period covered by the report, the name of each carrier-payee, and the total amount paid to each carrier-payee during the period. Each agency shall include with the initial report a list of the vendor codes assigned to carriers. Updates to this list shall be submitted by each agency along with subsequent quarterly reports. The reports should be automated whenever possible. Agencies using automated equipment to prepare tapes for issuance of Treasury checks shall submit their reports on tape and those not having that capability should use punch cards or typed listings to submit the required information. If the report is prepared by computer, it shall meet the standards of FIPS PUB. 3-1 and ANSI X3.22-1973 (standards for 9-track 800 CPI). If punch cards are submitted, they must be prepared in accordance with FIPS PUB. 14 and ANSI X3.26-1970 (Hollerith punched card code).

7. *Action by GSA.* GSA will consolidate the data furnished by agencies into the appropriate format for the Federal procurement data system and forward the consolidated data to the Office of Federal Procurement Policy within 45 calendar days following the close of each quarter.

8. *Assistance to agencies.* Upon request, GSA will provide assistance to agencies in preparing the reports. Agencies requiring assistance should call the GSA Transportation Audits Office, telephone 202-275-5468.

9. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FAF), Washington, D.C. 20406, no later than January 31, 1979, for consideration and possible incorporation into a permanent regulation.

10. *Reports.* The report required by this regulation is in conformance with the provisions of subpart 101-11.11 and has been assigned interagency report control No. 0198-GSA-QU.

11. *Effect on other issuances.* When the provisions of this regulation are in conflict with other regulations and related directives, the provisions of this regulation shall govern.

Dated: November 16, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-32776 Filed 11-21-78; 8:45 am]

[3510-22-M]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

Increase of Optimum Yield and Incremental Apportionment of Total Allowable Level of Foreign Fishing in the Bering Sea and Northeast Pacific

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendment to regulations.

SUMMARY: Foreign fishermen did not harvest their total allocations of certain species allocated to them by the preliminary fishery management plan for the trawl fisheries and herring gillnet fishery of the eastern Bering Sea and northeast Pacific (PMP) (42 FR 9298). Consequently, the Director of the Alaska Regional Office (Regional Director) has determined that, as a result of the underutilization, the optimum yields (OY's) of those species can be increased. The Regional Director has determined further that the increased OY should be apportioned between the total allowable level of foreign fishing (TALFF) and reserves.

EFFECTIVE DATE: November 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Harry Rietze, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221.

SUPPLEMENTARY INFORMATION: The 1977 PMP for trawl fisheries in the Bering Sea (42 FR 9298) established TALFF's for 1977. The amended PMP for 1978 was developed in late 1977, on the assumption that the 1977 TALFF's would be fully utilized. However, this did not occur for all species. The following table depicts the extent of underharvesting in 1977:

1977 [1]

[Metric tons (mt)]

Species	TALFF	Foreign catch	Unharvested TALFF
Yellowfin sole	106,000	60,000	46,000
"Other" flounders	105,000	60,000	45,000
Pacific cod	56,500	31,500	25,000
Squid	10,000	8,400	1,600
"Other" species (areas I, II, and III)	59,600	44,200	15,400

[1] Based on "best blend" estimates, TALFF's for other target species were almost completely taken.

[Metric tons]

Species	OY increase
Yellowfin sole	20,000
"Other" flounders	20,000
Pacific cod	12,500
Squid	800
"Other" species (areas I, II, and III)	7,000

The increase in OY is apportioned among the TALFF, U.S. capacity, and reserves in the following manner:

[Metric tons]

Species	OY increase	TALFF increase	Reserve increase	U.S. capacity increase
Yellowfin sole	20,000	0	20,000	0
"Other" flounders	20,000	410	19,5909	0
Pacific cod	12,500	1,570	10,930	0
Squid	800	170	630	0
"Other" species (areas I, II, and III)	700	0	7,000	0

Several factors are involved in the distribution of the increased OY. One factor is that U.S. fishermen are not presently engaged in this fishery. Another is that nearly all of the fishing in the Bering Sea is for pollock. The species listed above are generally harvested—with exceptions—as incidental to the pollock and flatfish fisheries. Thus, although large amounts of reserved species listed in the table above are available, foreign fishermen are not expected to utilize them fully. The reserves will probably go unused, but their creation will provide the National Marine Fisheries Service with some flexibility should other nations need additional allocations of those species in order to harvest existing allocations of primary target species such as pollock.

These proposed regulations were published in the FEDERAL REGISTER for public comment on October 30, 1978

(43 FR 50473). No comments were received. The Assistant Administrator for Fisheries finds and determines that the Administrative Procedure Act requirements can be waived because:

A. This action will not disadvantage any party;

B. No time is required to adjust to the revised regulations that will stem from this action;

C. Further delay will inhibit the ability of foreign nations to fulfill their allocations; and

D. Failure to implement these regulations in a timely manner is unnecessary, impractical, and contrary to the public interest.

The Assistant Administrator also finds that this is not a significant Federal action within the meaning of the National Environmental Policy Act and does not require compliance with Executive Orders 12044, 11821, and 11949.

(16 U.S.C. 1801 et seq.)

Signed at Washington, D.C., this the 16th day of November 1978.

WINFRED H. MEIBOHM,
Acting Executive Director,
National Marine Fisheries Service.

§ 611.20 [Amended]

Amend 50 CFR 611.20(c) by revising table I as follows:

1. Lines 24, 25, 33, 34, 36, and 37 as revised to read:

"Species code"	"Species"	"Ocean area"	"Amended TALFF (mt)"
006	Cod, Pacific	Aleutians and Bering Sea	[4]58,070
003	Flounders, other than yellowfin sole.	do	[5]139,410
002	Sole, yellowfin	Aleutians and Bering Sea	[6]106,000
001	Squid	do	[7]10,170
099	Other species	do	[8]93,600
080, 081, and 099	Armorheads, alfonsins, and other groundfish.	do	[9]2,000

2. Footnotes are revised as follows:

[4]Does not include 11,930 metric tons held in reserve.

[5]Does not include 19,590 metric tons held in reserve.

[6]Does not include 20,000 metric tons held in reserve.

[7]Does not include 630 metric tons held in reserve.

[8]Does not include 7,000 metric tons held in reserve.

[9]The TALFF for armorheads, alfonsins, and other groundfish resources is subject to additional restrictions on total effort by foreign fishing vessels. No more than 50 vessel days of trawling and 50 vessel days of bottom longlining will be allowed in this fishery.

§ 611.93 [Amended]

Amend 50 CFR 611.93(b) by revising Table I as follows:

1. In column 1, bottom line, add words "and revised" between the words "initial" and "TALFF."

2. In column 4 headed "Other Flounders," strike "139,000," and substitute "139,410."

3. In column 9 headed "Pacific Cod," strike "56,500," and substitute "58,070."

4. In column 12 headed "Squid," strike "10,000," and substitute "10,170."

[FR Doc. 78-32704 Filed 11-21-78; 8:45 am]

[3510-22-M]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Extension of Surf Clam Vessel Moratorium

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Continuation of surf clam vessel moratorium for 1 year.

SUMMARY: The fishery management plan for the surf clam and ocean quahog fisheries (FMP), prepared by the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council), and approved by the Secretary on November 17, 1977, contains a moratorium provision which prohibits additional vessels from entering the surf clam fishery for the 1-year period ending November 16, 1978. These regulations continue the moratorium for an additional 1-year period beginning 0001 hours e.s.t., November 17, 1978, and ending at midnight, November 16, 1979.

EFFECTIVE DATE: 0001 hours e.s.t., November 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Denton Moore, 202-634-7454.

SUPPLEMENTARY INFORMATION: Pursuant to section 305 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), final regulations were published on February 17, 1978 (43 FR 6952), to implement the FMP prepared by the Mid-Atlantic Council and approved by the Secretary of Commerce for the surf clam and ocean quahog fisheries. Section 652.9 of those regulations prohibits the entry of additional vessels into the surf clam fishery until November 16, 1978.

The FMP specifies annual quotas for the harvesting of surf clams for the 2 years in which the FMP is to be in effect with these quotas allocated on a quarterly basis. The surf clam annual and respective quarterly quotas are the same for each of the 2 years for which the Council specified an optimum yield for the surf clam resource.

In the first year of this FMP, the following actions were taken to insure that the quarterly quotas were not exceeded:

In the first quarter of 1978 the fishing period was limited to 4 days per week, Monday-Thursday. The quarterly quota was obtained by March 10 and the fishery closed until April 1.

Effort in the second quarter was initially restricted to 48 hours per week and then 24 hours per week to prevent the quota from being exceeded.

In the third quarter, the 24-hour-per-week fishing period was continued.

For the fourth quarter of 1978, a fishing period of 36 hours per week was originally specified. This extension was based on a "carry-over" of the uncaught part of the quota for the third quarter, and expected adverse weather conditions. The third quarter quota was not reached and the surplus of 37,834 bushels has been added to the fourth quarter quota for a total quota of 387,834 bushels for this quarter. The fishing period was reduced to 24 hours on October 30 due to the rapid rate of exploitation.

Judging by the actions taken during the first year in which the FMP has been in effect, there is no indication that the number of vessels permitted to harvest surf clams is insufficient to achieve allowable quotas. The need to significantly limit fishing effort during 1978 strongly suggests that the harvesting capacity of the fishing fleet easily exceeds the specified quotas. The economic impacts that would result from additional vessels entering this fishery are unchanged from those presented in the FMP.

The New England Fishery Management Council (New England Council) objects strongly to including the New

England area in a surf clam vessel moratorium. Hearings were held on September 14 and 18, 1978 to obtain public comment on the proposal to continue the moratorium. The New England Council commented that the FMP should be amended to remove the very small New England fishery from the moratorium restrictions as soon as possible. The New England Council recognizes the need for a moratorium in the overcapitalized Mid-Atlantic fishery, but feels strongly that the moratorium applied in the New England area has served as a deterrent to the development of the fishery and has caused particular hardship to the area's fishermen. Most of these surf clams are taken from territorial waters and not the FCZ. The chief use of surf clams taken in the New England area is bait for recreational fishing.

The FMP provides that the Secretary of Commerce may continue the moratorium for 1 additional year beginning November 17, 1978. The Assistant Administrator for Fisheries has determined that the moratorium shall be continued and this document continues the moratorium by amending the regulations which implemented the FMP. All procedural requirements for this action have been fulfilled. Continuation of the moratorium in only the area south of the 41st parallel, as recommended by the New England Council, can be accomplished only by an amendment to the FMP. The FMP has not been amended to accomplish this. Therefore, the moratorium must be continued in the entire area or it must lapse. The Assistant Administrator determines that the surf clam vessel moratorium is continued for a period of 1 year beginning at 0001 hours e.s.t., November 17, 1978, and ending on midnight, November 16, 1979.

The Assistant Administrator further finds and determines that this is not a significant Federal action within the meaning of the National Environmental Policy Act and does not require compliance with Executive Orders 12044, 11821, and 11949.

(16 U.S.C. 1801 et seq.)

Signed at Washington, D.C., this the 16th day of November 1978.

WINFRED H. MEIBOHM,
Acting Executive Director,
National Marine Fisheries Service.

Amend 50 CFR Part 652 to revise § 652.9 to read as follows:

§652.9 Vessel moratorium.

(a) A moratorium which became effective on November 17, 1977, prohibits the entry of additional vessels into the surf clam fishery.

(b) The moratorium shall remain in effect until November 16, 1979, unless the Secretary determines, after public hearings and consultation with the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, to terminate the moratorium at an earlier date.

[FR Doc. 78-32731 Filed 11-21-78; 8:45 am]

[4310-55-M]

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Tewaukon National Wildlife Refuge, N. Dak., to Winter Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to winter sport fishing of Tewaukon National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource and will provide additional recreational opportunity to the public.

DATES: December 16, 1978, through March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Forrest W. Cameron, Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak. 58013, 701-724-3598.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Winter sport fishing is permitted on the Tewaukon National Wildlife Refuge, N. Dak., only on the areas designated by signs as being open to fishing. These open areas are Lake Tewaukon, Mann Lake, Sprague Lake, which comprise of 1,180 acres and are delineated on maps available from the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Box 1897, Bismarck, N. Dak. 58501. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended 451, 1270, sec. 4, 76 Stat. 654 (5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 751i, 664, 718d, 43 U.S.C. 315a, 6 U.S.C. 460k); sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

Dated: November 15, 1978.

FORREST W. CAMERON,
Refuge Manager.

[FR Doc. 78-32807 Filed 11-21-78; 8:45 am]

[3510-22-M]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 222—ENDANGERED FISH OR WILDLIFE

PART 227—THREATENED FISH AND WILDLIFE

Emergency Regulations Declaring the Port Canaveral Navigation Channel a Restricted Fishing Area

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Temporary Emergency regulations and request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) is promulgating temporary emergency regulations under section 4(f)(2)(C) of the Endangered Species Act designating the Port Canaveral Navigation Channel, Cape Canaveral, Fla., as a restricted fishing area. The use of any trawl gear in this area during the 120-day emergency period beginning from the date of publication of these regulations is prohibited. This action is being taken to protect endangered and threatened species of sea turtles hibernating in this area from shrimp trawling operations.

In addition, this document solicits public comments on the desirability of extending and/or modifying these regulations for application beyond the 120-day emergency period.

DATES: These emergency regulations are effective on November 22, 1978, for a period of 120 days. Written comments on the desirability of modifying or extending these regulations must be received on or before January 22, 1979. A hearing will be held on December 12, 1978 at 10 a.m.; see address below.

ADDRESSES: Comments may be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235. The hearing will be held at the Canaveral Port Authority Building, George King Boulevard, Port Canaveral, Fla.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: In early 1978, the NMFS received reports that shrimp vessels had incidentally captured large numbers of loggerhead sea turtles while trawling during late November 1977 in the Port Canaveral navigation channel. These reports prompted NMFS to conduct trawl surveys of the middle and outer reach of the Port Canaveral navigation channel on February 14-15 and March 15-17, 1978. Results from these trawl surveys, shrimp trawling records of October 1978, and trawling transects made by NMFS personnel on October 25-26, 1978, further corroborated the earlier reports.

Based on the information obtained, NMFS investigators believe that: (1) Loggerhead and Kemp's ridley sea turtles hibernate in the Port Canaveral navigation channel from at least November to March; (2) turtles dislodged from their hibernaculum may not successfully return to hibernation, especially if the water temperature is so low that normal swimming and burrowing activity is inhibited; (3) the dislodged turtles may be further weakened by exposure to the lower ambient seawater temperature and become highly susceptible to predation or may simply die while drifting passively at the surface; and (4) shell damage may be caused by contact with trawl doors or collisions with vessels.

NMFS surveys in the Canaveral Channel, planned for November 26-31, 1978, and January 11-14, 1979, will provide additional information to be considered prior to any decision to modify or extend these regulations.

On July 28, 1978 (43 FR 32800) NMFS announced that it was considering the Port Canaveral navigation channel and other candidate areas where sea turtles are concentrated for designation as restricted fishing areas and/or critical habitat under the Endangered Species Act of 1973, as amended ("the Act"). On October 4, 1978 (43 FR 45905) the NMFS proposed designation of critical habitat under section 7 of the Act for Kemp's ridley and loggerhead sea turtles in the Port Canaveral navigation channel, Cape Canaveral, Fla. This action was taken to protect hibernating sea turtles from federally controlled activities which might interfere with the conservation of the turtles. Because of the results of the trawling surveys in October 1978 that corroborated earlier reports that loggerhead were concentrated in this area, and because trawling in the channel begins in early November, it is necessary to issue these regulations on an emergency basis to take effect immediately. This action is taken pursuant to section 4(f)(2)(C) of the Act (formerly section 4(f)(2)(B)) which provides that a regulation issued "in regard to any emergency posing a significant risk to the well-being of any species of fish or wildlife" may, at the discretion of the Secretary, take effect immediately.

Section 4(f)(2)C) of the Act provides that emergency regulations shall only have force and effect for 120 days. Accordingly, these emergency regulations shall expire on or before March 22, 1979. However, public comments are invited on the desirability of modifying and/or extending the fishing restrictions in these regulations beyond the emergency period.

Comments should address the desirability of issuing final regulations that will have effect beyond the 120-day emergency period. Comments are solicited on whether or not new periods should be established during which the Port Canaveral navigation channel would be a restricted fishing area. Comments are also specifically solicited on the question of whether any final regulations should redefine the area of water to be considered restricted or the types of gear that can be used in this area. We invite comments on all of these issues and any others raised by these regulations.

A hearing may be held on these issues if requested on or before January 8, 1979. Notice of this temporary regulation has been sent to: Hon. Reubin Askew, Governor of Florida; Benjamin T. Hardesty, Chairman, South Atlantic Fishery Management Council: and John A. Mehos, Chairman, Gulf of Mexico Fishery Management Council.

An environmental assessment has been prepared in conjunction with this temporary regulation. It is on file in the NMFS Office of Marine Mammals and Endangered Species, Page Building No. 2, 3300 Whitehaven Street NW., Washington, D.C., and may be examined during regular business hours or can be obtained by mail.

The primary author of this emergency rule is Mr. William P. Jensen, Ofice of Marine Mammals and Endangered Species, 202-634-7461.

REGULATION PROMULGATION

Accordingly, 50 CFR Chapter II, Parts 222 and 227 are amended as follows:

1. 50 CFR 222.1 is amended to read as follows:

§ 222.1 Purpose of regulations.

The regulations contained in this part do the following: (a) Identify the species or subspecies of fish or wildlife determined to be endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973, and presently deemed endangered species under the Endangered Species Act of 1973, which are under the jurisdiction of the Secretary of Commerce; (b) establish procedures and criteria for the taking, importation, exportation, or other prohibited acts, involving endangered fish or wildlife; and (c) establish other restrictions deemed necessary for the protection of endangered fish or wildlife. The regulations of this part implement, in part, the Endangered Species Act of 1973 as amended, 87 Stat. 884, Pub. L. 93-205.

2. A new subpart D is added to part 222 as follows:

Subpart D—Further Restrictions

§ 222.31 Restricted fishing areas.

(a) It is unlawful to engage in any activity specified in § 227.72(e)(2) of this chapter, during any period specified in that subsection.

§ 227.71 [Amended]

3. 50 CFR 227.71 is amended by striking out the last word ("or") of § 227.71(g); by striking the period following the last sentence of § 227.71(h) and adding "; or"; and adding a new § 227.71(i) as follows:

* * * * *

(i) Engage in any activity specified in § 227.72(e)(2) during any period specified in that subsection.

§ 227.72 [Amended]

4. 50 CFR 227.72 is amended by striking out "[Reserved]" in § 227.71(e)(2) and by adding a new subparagraph (2) to § 227.72(e) as follows:

* * * * *

(e) * * *

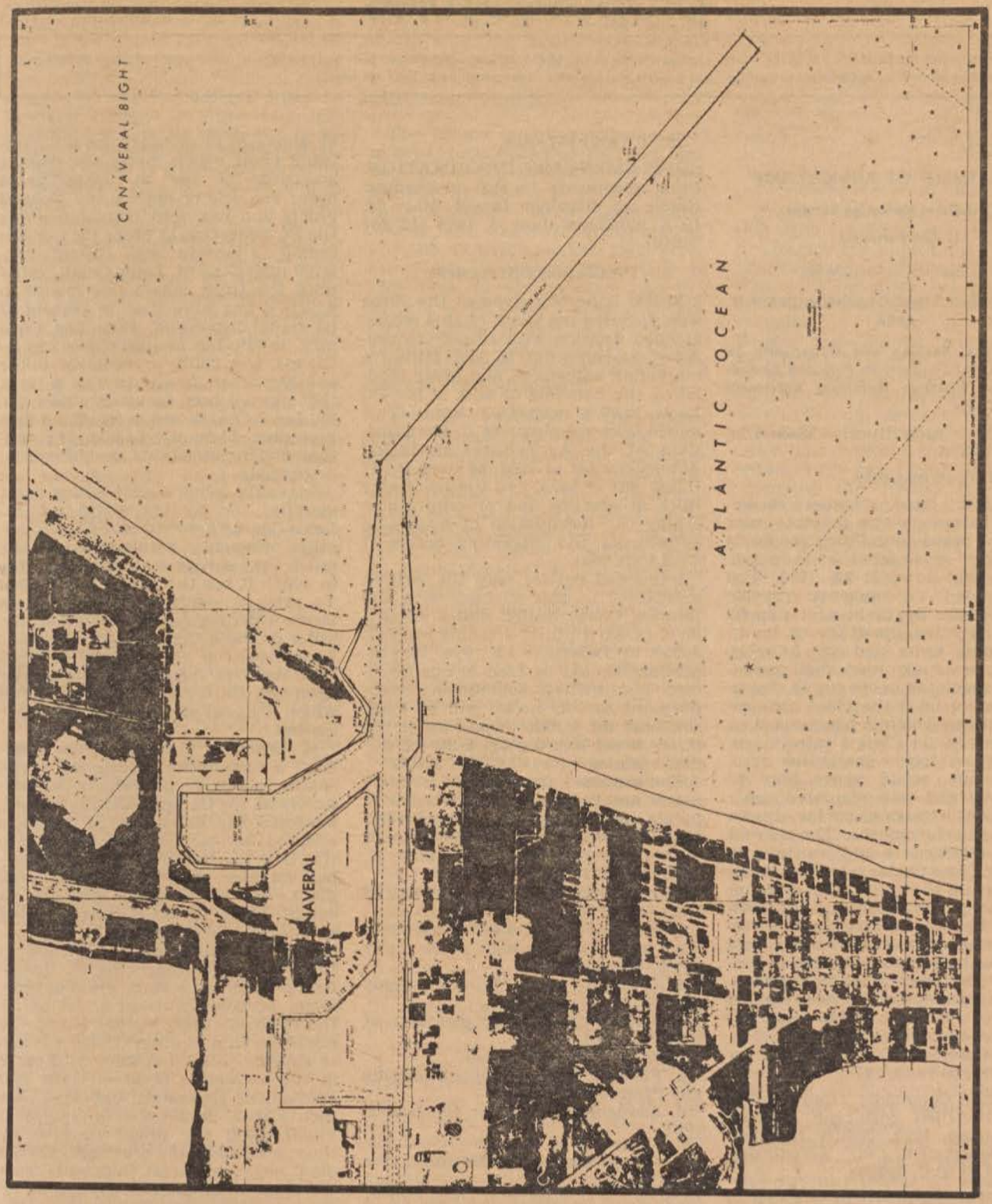
(2) *Restricted fishing areas.* (i) During the period between November 1 and April 1 the use of any trawl gear is prohibited in those parts of the Port Canaveral navigation channel, Cape Canaveral, Fla., known as the middle basin, east basin, inner reach, and that part of the dredged channel beyond the outer reach to a point 1.5 nautical miles beyond buoys R "7" and R "8" (lat. 28°23'08" N., long. 80°32'35" W.), C. & G.S. Chart 11484. See map below.

Dated: November 15, 1978.

TERRY L. LEITZELL,
Assistant Administrator for Fisheries.

[FR Doc. 78-32796 Filed 11-21-78; 8:45 am]

[3510-22-C]



Restricted Fishing Area for Kemp's ridley and loggerhead sea turtles, Port Canaveral, Florida.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1062]

[Docket No. A0-10-A53]

MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends changes in the present order provisions based on industry proposals which were considered at a public hearing held June 21-22, 1978. The recommended amendments provide that a distributing plant which meets the pooling standards of the St. Louis-Ozarks milk order and one or more other Federal milk orders shall continue to be regulated under the St. Louis-Ozarks order until the third consecutive month in which it has more than 50 percent of its Class I sales in another Federal order marketing area. This change would apply only to plants that had been regulated under the St. Louis-Ozarks order for at least the previous 13 months. The current pooling standards would continue to apply for those plants regulated under the order less than that time. Another major change would increase the funding rate for the Advertising and Promotion program and also tie such rate to the level of the blend price to producers. The recommended amendments are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

DATE: Comments are due on or before December 12, 1978.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202)-447-4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing: Issued May 31, 1978, published June 6, 1978 (43 FR 24540).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the St. Louis-Ozarks marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by December 12, 1978. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing conducted at Bridgeton, Mo., on June 21-22, 1978. Notice of such hearing was issued May 31, 1978 (43 FR 24540).

The material issues on the record of the hearing relate to:

1. Regulation of a distributing plant that qualifies as a pool plant under more than one order.
2. Pooling standards for supply plants.
3. Limitations on the diversion of producer milk.
4. Pricing of diverted milk.
5. Funding rate for the Advertising and Promotion program.
6. Assessment for order administration.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Regulation of a distributing plant that qualifies as a pool plant under more than one order.* The order should be amended to provide that a distributing plant which meets the pooling standards of the St. Louis-Ozarks order and one or more other Federal orders and has been regulated under the St. Louis-Ozarks order for the preceding 13 months shall remain regulated under the St. Louis-Ozarks order until the third consecutive month in which it has more than 50 percent of its route disposition, excluding filled milk, in another market unless, nevertheless, the plant is regulated under another order. In the case of a plant that has not been regulated under the St. Louis-Ozarks order for the entire preceding 13-month period, the current pooling standards should continue to apply.

Presently, when a distributing plant qualifies for pooling under the St. Louis-Ozarks order (Order 62) and another order, it is regulated under the order that covers the marketing area in which it has the most Class I sales. To prevent month-to-month changes in the order regulating such plant, the order provides that a plant which has been regulated under Order 62 shall continue to be regulated by such order until the third consecutive month in which it has greater sales in the other market.

Mid-America Dairymen, Inc. (Mid-Am), a cooperative association representing about 90 percent of the producers on the St. Louis-Ozarks market, proposed the order change which is adopted herein. Its spokesman testified that the cooperative is the principal supplier of a large distributing plant at Hazelwood, Missouri (a suburb of St. Louis), that is operated by the Kroger Company. He was concerned that this plant, which has been fully regulated under the St. Louis-Ozarks order for a long period of time, might become regulated under either the Nashville order (Order 98) or the Southern Illinois order (Order 32) due to steadily increasing sales by Kroger in the marketing areas of these two orders. The spokesman indicated that such a shift in the plant's regulation would lower the prices received by those producers who are supplying the plant either by direct shipments from the farm or through supply plants located at Effingham, Illinois, and Lebanon, Missouri, that transfer milk to Kroger's St. Louis plant. In his opinion, the blend prices which would be applicable at Kroger's distributing plant and the Effingham and Lebanon

plants in the event such plants were pooled under the Nashville order would not be high enough to attract a supply of milk to the bottling plant or the supply plants involved. The cooperative's spokesman held that regulation under the Southern Illinois order would also have an adverse effect on producer returns. In order to insure that the blend prices would not be reduced as the result of a slight increase in plant sales in either the Nashville or Southern Illinois marketing area relative to the plant's sales in the St. Louis-Ozarks marketing area, the cooperative proposed that the order be amended to keep the Kroger plant regulated under the St. Louis order until the third consecutive month in which the plant has more than 50 percent of its Class I sales in the marketing area of another order.

A spokesman for Kroger supported Mid-Am's proposal, emphasizing that his company is interested in stability of regulation and equity in milk costs with competing handlers. The company was primarily concerned that a shift in regulation of the plant to another order could reduce the blend price to producers to the point that they would not be willing to supply the total milk requirements of the plant.

Dairymen, Inc., a cooperative association representing the majority of producers on the Nashville market, offered testimony in opposition to Mid-Am's proposal. Its representative held that a plant should be regulated in the Federal order area in which it has the most sales. It was his position that producers in the market in which the plant has most of its sales have a right to share in the Class I sales associated with that plant. The witness acknowledged the uniqueness of the Kroger problem and conceded that milk of the cooperative's members would not be available to Kroger at the blend prices applicable under the Nashville order if the plant were to become regulated in that market. He offered several alternative solutions to keep the Kroger plant regulated under Order 62. One solution was to expand the St. Louis-Ozarks marketing area by taking in unregulated territory in which Kroger has Class I sales. Another suggestion was to merge the St. Louis-Ozarks order with another order, possibly Southern Illinois. Both of these suggestions, however, are beyond the scope of this proceeding.

The Kroger plant has been regulated by the St. Louis-Ozarks order since 1968. Its principal supplier is Mid-America Dairymen, Inc. The milk supply for this plant comes from producers located in Iowa, Illinois and Missouri. The plant receives milk directly from the farms of producers and from supply plants operated by the cooperative at Effingham, Illinois and Lebanon, Missouri.

The Kroger plant distributes fluid milk products in 14 Federal order markets and in unregulated areas as well. Most of its sales are concentrated in three markets: the St. Louis-Ozarks market, the Southern Illinois market, and the Nashville market. Data introduced into the record show that in May 1978 the Kroger plant had 19.3 percent of its Class I sales in the St. Louis-Ozarks market, 18.7 percent in the Southern Illinois market, 16.2 percent in the Nashville market, and 45.8 percent in all other areas.

The sales pattern of the Kroger plant is such that the plant could easily become pooled under either the Southern Illinois or Nashville milk order instead of the St. Louis-Ozarks order with only a slight shift in the plant's sales among the 3 markets. Such shift, of course, would not occur on a month-to-month basis since the provisions of the St. Louis-Ozarks order provide that a plant which has been regulated by such order shall continue to be regulated under that order until the third consecutive month in which it has greater sales in the other market. However, the existence of such provision in the St. Louis-Ozarks order and similar provisions in both the Southern Illinois and Nashville orders does not preclude the possibility that regulation of the Kroger plant might shift periodically among the 3 markets.

As previously noted, the regulation of the Kroger plant is most likely to shift from the St. Louis-Ozarks order to the Southern Illinois or Nashville order. In the event such a shift were to occur, the Class I price applicable to milk received by such handler at the Hazelwood location would be lower than the Class I price under Order 62 at such plant location. For example, if the Kroger plant had been regulated under the Nashville or Southern Illinois orders during April 1978, the Class I price applicable at the Hazelwood location would have been $10.375 per hundredweight under Order 98 and $10.53 under Order 32. (See Table 1) By comparison, the Class I price at Hazelwood under Order 62 was $10.60.

TABLE 1: CLASS I PRICE COMPARISONS

APRIL 1978

Location	Order 62	Order 98	Order 32
Base Zone (no location adjustment)	$10.60	$10.85	$10.53
Hazelwood, Mo	$10.60	$10.375	$10.53
Effingham, Ill	$10.45	$10.45	$10.53
Lebanon, Mo	[1]$10.33	$10.21	$10.275

[1] Minimum Class I price applicable to milk received at a supply plant at that location.

Kroger's representative pointed out that while his company would normally welcome the opportunity to obtain milk at a lesser cost it was far more interested in being assured that an adequate supply of milk would be made available to the plant. Both the Kroger and Mid-Am representatives were primarily concerned that producer pay prices at the Kroger plant would decline significantly if the plant were to become regulated under either the Southern Illinois or Nashville order. The indicated that the resulting reduction in pay prices to producers supplying the Kroger plant might cause such producers to seek alternative outlets for their milk.

In order to determine whether a supply of producer milk could be expected to be made available to the plant if the plant were to become regulated under either the Nashville order or the Southern Illinois order, consideration must be given to the extent to which the producers' pay prices currently applicable at the location of the Kroger plant and at the supply plants which transfer milk to the Kroger plant would change under such circumstance. It is concluded for the reasons set forth below that the change in producer pay prices that would result from a shift in regulation can best be assessed by looking only at how the pay prices to producers would change as a result of the location pricing that would apply at the plants affected. Data submitted by proponent to illustrate the extent to which the producer blend prices would change do not take into account how the Class I utilizations of the markets affected would change if the plant were to become regulated under another order. In that regard, questions directed to proponent at the hearing elicited no factual data upon which to estimate the extent to which the weighted average prices would change in such circumstances.

A further deficiency in proponent's data for April 1978 is that the Nashville weighted averge price apparently is understated relative to the normal situation. The weighted average price

for the Nashville order at the base zone location for the month of April 1978 was shown as 11 cents less then the weighted average price for the St. Louis-Ozarks and Southern Illinois base zone location (prior to the 5-cent deduction for advertising and promotion which is currently applicable under the St. Louis-Ozarks order.) Although proponent alleged that the weighted average prices for the month of April for the three markets were representative of the prices in these markets in other months, a review of the Nashville weighted average price computation reveals that the weighted average price for that month was adjusted downward approximately 11 cents per hundredweight due to some special circumstance.[1] Such reduction in the weighted average price resulted when one-half of the producer-settlement fund was added to the computations in determining the weighted average price. Normally, such addition would have resulted in a 3- to 4-cent increase in the weighted average price. In this instance, however, such computation for the month of April 1978 resulted in 7- to 8-cent decrease in the weighted average price computations. Such a reduction could be the result of an audit adjustment.

On the basis of available information, it appears that most of the variation in the pay prices for producers supplying the Kroger plant would occur as the result of the location pricing provisions of the three orders. The following analysis details the extent to which location adjustments would affect the prices that producers would receive if the Kroger plant were to shift from regulation under the St. Louis-Ozarks order to either the Nashville or Southern Illinois order. It is thus assumed for this purpose that the announced blend prices under the three orders in April 1978 would have been the same. As an aid in illustrating how producer pay prices would vary at specific plant locations when identical uniform prices apply at plants in the base zones under each of the three orders, a table (See Table 2) detailing such information is set forth below.

TABLE 2: HYPOTHETICAL EXAMPLE SHOWING THE LEVEL OF PRODUCER PRICES THAT WOULD HAVE BEEN APPLICABLE AT SPECIFIED PLANTS FOR APRIL 1978 IF IDENTICAL UNIFORM PRICES ($10.10 IS USED IN THIS EXAMPLE) APPLIED AT PLANTS LOCATED IN THE BASE ZONES OF THE ST. LOUIS-OZARKS, NASHVILLE AND SOUTHERN ILLINOIS ORDERS

Location	Order 62	Order 98	Order 32
Base Zone (no location adjustment)	$10.10	$10.10	$10.10
Hazelwood, Mo	10.10	9.625	*10.10
Effingham, Ill	9.95	9.70	10.10
Lebanon, Mo	10.10	9.46	9.845

[1] Official notice is taken of the Nashville market administrator's announcement of the uniform price computation for that market for the month of April 1978.

As indicated in Table 2, the uniform price payable at the Kroger plant under Order 98 would have been 47.5 cents below the price that producers would have received under Order 62. Mid-Am, the present supplier of Kroger, noted for the record that its milk would not have been available to the Kroger plant at such lower pricing level. As previously noted, a representative of Dairymen, Inc., conceded that milk of the cooperative's members would not be available to Kroger at the blend prices applicable under the Nashville order if the plant were to become regulated in that market.

Under the assumptions previously made, i.e., the uniform prices under Order 32 and Order 62 at the Kroger plant's location are identical, the plant would have no problem in retaining a milk supply from producers whose milk can be delivered directly from the farm to the plant irrespective of whether the plant is regulated under Order 62 or Order 32. However, such supply represents only a portion of the milk required by the plant. As noted later in the discussion, the milk that the plant currently obtains from the pool supply plant at Effingham might not be available to the Kroger plant if its plant and supply plant were to become regulated under Order 32.

If the Kroger plant were to become regulated under either the Nashville or Southern Illinois order, the resulting Class I prices applicable at the pool supply plants (See Table 1) which have been furnishing much of the milk supply for the Kroger plant might cause such supply plants to withdraw their current supplies from the Kroger plant. For example, a reduction in the transportation allowance at the Lebanon, Missouri, plant would occur if the plant were regulated under Order 98. Under the St. Louis-Ozarks order, the plant now has a minus 27-cent location adjustment to move milk from Lebanon to Hazelwood. Under Order 98, the transportation allowance for moving milk between these two locations would be 16.5 cents, a reduction of 10.5 cents per hundredweight.

If the Lebanon plant had been pooled under Order 32, the Class I price at such plant would have been 5.5 cents below the Order 62 Class I price at such plant ($10.275 compared to $10.33). As a conseqence of such a Class I price change, the Lebanon plant would have a transportation allowance of 25.5 cents per hundredweight to move milk to Hazelwood. Under the St. Louis-Ozarks order, the Lebanon plant has a transportation allowance of 27 cents to move milk to Hazelwood.

If the Effingham plant were regulated under Order 98, it would not be practical under order pricing to move milk from Effingham to Hazelwood. Under Order 98, the Effingham Class I price would be 7.5 cents more than Class I price at Hazelwood. The St. Louis-Ozarks order provides for a minus 15-cent location adjustment at the Effingham plant as a transportation allowance toward the cost of moving milk from Effingham to Hazelwood.

If the Effingham plant were regulated under Order 32, no transportation allowance would be available under the order to move milk from the Effingham plant to Hazelwood, since the Class I price would be the same at both plants. Under Order 62, the Effingham plant has a transportation allowance of 15 cents per hundredweight to move milk to Hazelwood.

Serious disruptions in the producer pay prices would result at the Lebanon and Effingham plants if the Kroger plant and the two supply plants were to become pooled under either the Nashville or Southern Illinois order (See Table 2). Under the assumptions previously noted in this regard the uniform price to producers at the Effingham plant would have been reduced 25 cents per hundredweight if the plant had been regulated under Order 98 during April 1978. the uniform price at the Labanon plant would have been reduced 64 cents per hundredweight if the plant likewise had been pooled under Order 98 during April 1978.

Under Order 32, the disruption in uniform prices to producers supplying the Effingham and Lebanon plants would be somewhat less severe than if such plants were regulated under Order 98. At Effingham, the uniform price would have been increased 15 cents if the plant had been regulated by Order 32 during April 1978. However, at Lebanon, the uniform price would have been reduced 25.5 cents below the Order 62 uniform price if the plant likewise had been regulated by Order 32 during April 1978.

It is recognized that it has been the practice in most Federal orders to regulate a plant according to where it has the most Class I sales. In this regard, official notice was requested at the hearing by Dairymen, Inc., of a decision issued August 17, 1976, and published August 20, 1976 (41 FR 35194), pertaining to a situation similar to the one under consideration in this proceeding. In the prior proceeding, the Kroger plant at Indianapolis had virtually equal sales in the Indiana market and the Ohio Valley market. The plant was regulated under the In-

diana order but was on the verge of shifting regulation to the Ohio Valley order.

Under the provisions of the Ohio Valley order, the plant would not have been regulated under that order until the second consecutive month in which the plant had greater sales in the Ohio Valley market. Proponents, however, did not want the plant to become regulated under the Ohio Valley order until the third consecutive month in which the plant had more sales in the Ohio Valley market.

The issue under consideration in the present proceeding again raises the question of where a plant should be regulated when it qualifies for pooling under more than one order. The traditional position on this point is that a plant should be pooled under the order regulating the market in which such plant had its greater sales during the month to insure that all handlers having their principal sales in a market are subject to the same prices and other regulatory provisions as their main competitors.

The pricing problems previously noted, however, make it necessary that special consideration be given to the pooling provisions for large distributing plants such as the Kroger plant which has Class I sales in excess of 20 million pounds per month. The potential problems that could occur if the Kroger plant were to shift to the Nashville or Southern Illinois market are severe enough to override the customary pooling requirements. As noted in testimony in the current proceedings, it is questionable whether the plant at Hazelwood, Missouri, would be able to procure an adequate milk supply if the plant were to become regulated under either the Nashville or Southern Illinois order as the result of having greater sales in the market. Under such circumstances, consideration must be given to regulating the plant in a market in which there is reasonable assurance that it will have available an adequate supply of producer milk. The record evidence indicates that the Kroger plant can be reasonably assured of an adequate supply if it continues to be regulated by the St. Louis-Ozarks order. Accordingly, the order should be amended to keep the Kroger plant, or any other pool distributing plant in a similar situation, pooled under the order until the third consecutive month in which it has more than 50 percent of its Class I sales in another Federal order marketing area.

It is appropriate that the application of this type of lock-in provision be limited only to those distributing plants that have had an extended association with the St. Louis-Ozarks market. Otherwise, a plant which has had a greater sales in another Federal order market for a period of years could become pooled for an indefinite period under the St. Louis-Ozarks market for only one month. The proposed 13-month association is an appropriate requirement since it would preclude the continued pooling of a plant which becomes newly regulated as a result of being awarded a contract to supply milk for a period as long as one year to schools, military bases, hospitals, or other institutions located in the St. Louis-Ozarks marketing area.

The proposed requirement will also permit a plant that previously was pooled under another order and then becomes pooled under the St. Louis-Ozarks order due to a temporary increase in sales in the St. Louis-Ozarks marketing area to again be pooled under the other order (at the end of the current two-month lock-in period) if such increased sales are subsequently lost in the next month or two. This will assure that a plant which is primarily associated with another market does not become locked into being pooled under the St. Louis-Ozarks order and thereby run the same potential risk that the Kroger plant operator wants to guard against, i.e., the possibility that a supply of producer milk may not be available to it in the market in which it is newly regulated because of a major change in the pricing situation.

2. *Pooling standards for supply plants.* A proposal that would allow a supply plant operator to move milk directly from producers' farms to pool distributing plants and have such deliveries count as though they were shipments from his supply plant for purposes of meeting the supply plant shipping requirements should not be adopted on the basis of this record.

Presently, the order requires that a supply plant must ship 50 percent of its Grade A receipts to pool distributing plants during the month to qualify as a pool plant. A plant that has made the required shipments during each of the months of September through February is eligible for automatic pooling status during the following months of March through August.

Kraft, Inc., proposed that deliveries of milk directly from producers' farms to pool distributing plants by a supply plant operator be allowed to count as qualifying shipments from the supply plant. Kraft's spokesman testified that his company operates a pool distributing plant located at St. Louis and nonpool manufacturing plants located at Springfield, Missouri, and Bentonville and Berryville, Arkansas. In addition, he said that Kraft had under construction a supply plant at Springfield which it planned to qualify as a pool plant under the St. Louis-Ozarks order in September 1978.

Kraft's witness stated that the company planned to qualify its Springfield supply plant on the basis of deliveries to a pool distributing plant at Fayetteville, Arkansas. He testified that 70 percent of the milk that Kraft intends to pool through its Springfield supply plant is located in the Springfield area, 25 percent is in the Bentonville area, and 5 percent is in the Berryville area. The witness stated that Kraft intended to supply the Fayetteville distributing plant primarily with milk from farms located in the Bentonville and Berryville area. Any additional quantities of milk needed by the Fayetteville plant would be obtained from milk supplies associated with Kraft's Springfield plant. The witness indicated that when milk in the Bentonville and Berryville area was not needed at the Fayetteville pool distributing plant, it would be delivered directly from the farm to Kraft's nonpool plants at Bentonville and Berryville. Likewise, whenever milk from the Springfield area was not needed at the Fayetteville plant, the milk would be diverted to Kraft's nonpool plant at Springfield.

Kraft's spokesman indicated that under the present order provisions it would be extremely inefficient for Kraft to supply the Fayetteville plant with milk from the Bentonville-Berryville area and still qualify the Springfield plant as a pool supply plant. Kraft would have to ship the milk to its Springfield supply plant, unload it there, and then reload it onto a tank truck and ship it to Fayetteville. The spokesman said that if milk in the Bentonville area had to move through the Springfield supply plant for delivery to Fayetteville, the milk would have to be shipped 220 miles. However, if the milk were permitted to be shipped directly from Bentonville to Fayetteville, it would only have to be shipped 26 miles, a savings of 194 miles. Similarly, the spokesman said, the Berryville milk supply would have to be shipped 195 miles if it were delivered via the Springfield plant compared to 60 miles if it were permitted to go directly from producers' farms to Fayetteville.

The witness also stated that, in addition to the savings in transportation involved, the quality of the milk would be better if the milk could be shipped directly from farms in the Bentonville-Berryville area to Fayetteville. He indicated that the quality of the milk deteriorates every time it is pumped, such as at reloading facilities.

Mid-Am opposed Kraft's proposal to allow shipments directly from producers' farms to pool distributing plants to count as qualifying shipments for pooling a supply plant. A Mid-Am spokesman held that the present supply plant shipping requirements

are reasonable and that the adoption of Kraft's proposal would make it possible for pool handlers to attach excessive milk supplies to the St. Louis-Ozarks market. This, he said, would reduce the uniform price in an already deficit market, thus making it more difficult to attract milk from surplus-producing regions.

The witness for the cooperative stated that there is a provision in the order now that allows a plant operated by a cooperative association to qualify on the basis of direct shipments from producers' farms "if the major function of the cooperative is to supply milk to pool distributing plants." It was his position that under Kraft's proposal a proprietary plant operator should be required to furnish a supply of milk for the fluid needs of the market to the same extent as a cooperative. He held, therefore, that if Kraft's proposal is adopted, the shipping requirements for a supply plant should be increased to 70 percent of the plant's producer receipts, which approximates the average proportion of the milk of its members on the market that Mid-Am delivers to pool distributing plants.

A spokesman representing the Kroger Company testified that his company is opposed to letting milk be associated with the fluid market without some requirement that the milk be available when needed for fluid use. He contended that there is a growing need for increasing the present performance requirements of pool plants. he held that with the marketwide Class I utilization running 65 percent in May and with declining production in the grain belt, it is getting more and more costly for handlers to attract a supply of milk for fluid use. These extra costs, he stated, must be passed on to consumers. He claimed that if consumers then reduce their consumption of milk because of the extra costs, the dairy farmer will ultimately receive a lower price for his milk.

Kraft's proposal was presented as a means of facilitating the efficient handling of milk of producers who are associated with a pool supply plant. Kraft's representative contended that if producers are located closer to a distributing plant that is buying milk from a supply plant than they are to the supply plant, the milk should be permitted to move directly from their farms to the distributing plant rather than to the supply plant for reloading and transshipment. However, the efficient handling of milk that Kraft wanted to achieve was not related to milk that normally might be associated with its proposed pool supply plant at Springfield. Instead, Kraft's proposed modification of the pool supply plant definition was designed to accommodate primarily the pooling of milk at farms located near Kraft's nonpool plants at Berryville and Bentonville rather than milk located in the proximity of the Springfield plant. Kraft's witness indicated that the company had no intention of physically associating milk in the Bentonville area with its proposed pool supply plant at Springfield. He stated, in response to a question concerning the pricing of milk associated with the Bentonville plant, that the company had no plans to deliver milk from the Bentonville area to its plants in Springfield. He indicated that when such milk was not needed for Class I at Fayetteville the milk would be diverted to Bentonville.

Because the proposed Springfield supply plant has not been in existence, there has been no operational experience to demonstrate whether or not the producers in the Bentonville-Berryville area would in fact ever have their milk physically associated with the plant. However, it is reasonable to assume from this record that none of this milk which might move directly from farms to pool distributing plants would ever be received at the Springfield supply plant. In this case, there would be little resemblance between this type of supply plant operation and the usual operation of a supply plant where milk of producers associated with the plant is physically received at the plant. Actually, the proposed operation could be likened somewhat to the operation of a cooperative that qualifies its balancing plant on the basis of milk deliveries from farms to distributing plants, as was contended by Mid-Am. This raises the question of whether the current performance standards for pool supply plants (i.e., level of shipments by the plant operator) would be equally appropriate under the different operational arrangements. A change in the level of performance was not contemplated under Kraft's proposal.

It is conceivable that some accommodation for diversions from a supply plant to distributing plants could be warranted in those cases where the procedures involved might otherwise normally have their milk received at the supply plant. This type of situation was not portrayed on the record.

It is recognized that the record evidence upon which this decision is based may not be representative of Kraft's actual marketing experience in operating its pool supply plant. As previously noted, Kraft's supply plant was under construction at the time of the hearing. Consequently, Kraft's testimony was limited to the projected operation of the plant on September 1, 1978, and thereafter. No basis exists, therefore, for determining whether the marketing conditions that Kraft anticipated would exist on and after that date are representative of the actual marketing conditions. Actual operating experience might well suggest a different approach to dealing with the marketing situation.

3. *Limitations on the diversion of producer milk.* The provisions relating to the diversion of producer milk from pool plants to other plants should be modified. During the months of September through February, a cooperative association should be allowed to divert to nonpool plants that are not producer-handler plants a quantity of milk not in excess of 50 percent of the quantity of producer milk that the association causes to be delivered to or diverted from pool plants during the month. The operator of a pool plant (other than a cooperative association) should be allowed to divert to nonpool plants that are not producer-handler plants any milk that is not under the control of a cooperative association that is likewise diverting milk to nonpool plants during the month. The quantity of milk that the operator of a proprietary plant may divert for his account during the months of September through February should not exceed 50 percent of the milk received at or diverted from such pool plant that is eligible to be diverted by the plant operator. The order should also provide that at least one day's production of a producer must be physically received at a pool plant during each of the months of September-February in order for the milk of such producer to be eligible for diversion to a nonpool plant during such months as producer milk. The order should continue to permit handlers to divert milk from pool plants to nonpool plants without limit during the months of March through August. Also, the order should no longer place a limit on diversions between pool plants.

Presently, diversions from a pool plant to another pool plant during any month are limited with respect to each producer to "not more days of production of producer milk than is physically received at the pool plant from which diverted." A similar limit also applies to milk diverted to nonpool plants during the months of September through February. During March through August no limits apply on diversions to nonpool plants.

Kraft, Inc., proposed several modifications of the diversion rules. Under its proposal, a cooperative or the operator of a proprietary plant would be permitted to divert to nonpool plants up to 50 percent of the total producer milk which it delivers to or diverts from pool plants during each of the months of September through February. Kraft proposed that the diversion limits be defined in terms of the aggregate producer milk of a handler rather than with respect to each producer in

order to achieve efficiencies in the handling of milk. Its representative noted that some producers are located closer to plants in which their milk could be manufactured than to pool plants with which their milk is normally associated for pooling purposes. He held, therefore, that if there is a need to divert reserve milk supplies to nonpool plants for manufacturing, a handler should have the opportunity to move the milk in the most efficient manner without jeopardizing the producer's status under the order. He claimed that under the proposal the milk of a producer could be diverted to the plant nearest his farm, thereby minimizing the producer's cost of delivering his milk to available outlets.

The proposal to permit unlimited diversions of milk between pool plants is adopted.

There appears to be no valid reason to limit such diversions. The only effect of a limit would be that milk is overdiverted would be considered as a receipt of producer milk at the pool plant where it is physically received instead of as a diversion from the diverting pool plant. For that reason, the quantity of milk pooled would be unchanged whether diversions between pool plants are limited or unlimited.

Mid-America Dairymen, Inc., testified in opposition to Kraft's proposal on diversions to nonpool plants. The cooperative contended that adoption of Kraft's proposal would "lessen the pressure needed to move needed supplies of milk into the fluid market." In its post-hearing brief, Mid-Am stated that Kraft's proposal "is designed to augment the available supplies of milk for Kraft's cheese plants." The cooperative's witness suggested that it would be more realistic if diversions to nonpool plants were limited to one day's production for each two days that milk was delivered to pool plants during September through February. He proposed that at all other times that one day of diversion be allowed for each day of delivery to pool plants.

Limitations on diversions to nonpool plants should be based on a percentage of the aggregate quantity of producer milk for which the handler is accountable rather than on the quantity of milk received at a pool plant from each producer. this change will provide greater flexibility to handlers in moving excess milk supplies to nonpool plants. For example, it will enable a handler to divert more often the milk of those producers whose farms are most distant from his plant than those located closest to his plant. Such change will benefit producers by reducing their cost of hauling.

The diversion of producer milk by a handler to nonpool plants during the months of September through February should be limited to not more than 50 percent of the quantity of producer milk of the handler that is physically received at pool plants or diverted therefrom to other plants. This limit on the total quantity of milk that may be diverted is essentially the same as the one that is presently provided under the order.

During the months of March through August, no limit should apply to milk diverted from a pool plant to a nonpool plant. In that regard, this represents no change from the current order provisions.

There is no apparent need on the basis of this record to limit diversions to nonpool plants to the extent proposed by Mid-Am. There was no demonstration by proponent that the current limit on the amount of milk that may be diverted to nonpool plants is causing in any way disruptive marketing conditions. Although the cooperative implied that the change in the diversion provisions would tend to result in more milk being diverted for manufacturing, it is again noted that the total amount of milk that could be diverted to nonpool plants would remain essentially unchanged.

Kraft proposed that if milk is diverted in excess of the limits provided the diverting handler may designate the dairy farmers whose milk would not be producer milk, otherwise the milk last diverted during such month—in lots of an entire day's production—would be excluded first in determining which milk should not be producer milk. A provision of this type is necessary when handlers are permitted to divert milk on the basis of aggregate producer receipts. Under the current order in which diversion limits are placed on the individual producers, it is readily apparent which producer's milk has been over-diverted.

This would not be the case under the revised method of establishing diversion limits. The proposal by Kraft provides a positive means of identifying those individuals whose milk would not be considered as producer milk in the event a handler were to divert in excess of the specified limits.

Kraft proposed that during each of the months of September through February at least one day's production of milk of a dairy farmer must by physically received at a pool plant before such dairy farmer's milk would be eligible for diversion as producer milk. The delivery of one day's production during such month will provide assurance that the milk of such dairy farmer represents a supply of milk that is readily available to pool plants in this market. Furthermore, the months of September through February are months in which producer milk supplies relative to fluid milk needs are usually the shortest. Under such circumstances, it is expected that the proposed shipment of one day's production would be easily met by all producers on the market during such months. Accordingly, the proposed limit should be adopted.

4. *Pricing of diverted milk.* No change should be made in the order regarding the pricing of diverted milk.

Presently, milk that is diverted from one pool plant to another pool plant is priced at the location of the plant to which diverted. Similarly, milk diverted to a nonpool plant located more than 120 miles from the nearer of the city halls in St. Louis or Springfield, Mo., is priced at the plant to which diverted. However, in the case of milk diverted to a nonpool plant located within 120 miles of St. Louis or Springfield, the milk is priced at the pool plant from which diverted.

Kraft, Inc., proposed that the present order provisions be modified to provide that milk diverted to a nonpool plant within the marketing area or within Carroll County, Arkansas, be priced at the location of the plant to which diverted rather than at the plant from which diverted, as is now the case. As part of this proposal, Kraft also proposed that the location adjustment for plants in Carroll County, Arkansas, be changed from minus 10.5 cents to plus 17 cents, a change of 27.5 cents. Such change would establish the location adjustment at plants in Carroll County at the same level as that applicable in Zone III of the marketing area, which borders Carroll County. The location adjustment in Zone III is plus 17 cents.

A spokesman for Kraft testified that his company operates nonpool manufacturing plants at Bentonville, in Benton County, Arkansas, and at Berryville, in Carroll County, Arkansas. The witness stated that Kraft plans to divert milk from its pool supply plant at Springfield beginning in the fall months of 1978. Under the present order provisions, milk diverted to Bentonville and Berryville from Springfield. Because Bentonville is in Zone III of the marketing area and Berryville is adjacent to Zone III, Kraft proposed that milk diverted to these locations be priced at the Zone III price, which is 17 cents higher than the price at Springfield, a Zone I location.

Kraft held that because milk which is produced in northwestern Arkansas and which Kraft plans to deliver to the pool distributing plant at Fayetteville, Arkansas, in Washington County would be priced at the Zone III price, other milk for which it is the handler that is also produced in the northwestern section of Arkansas and is available to supply the Fayetteville plant likewise should be priced at the same level. Kraft proposed, therefore, that

milk which is diverted to its nonpool plants at Bentonville and Berryville in northwestern Arkansas be priced at the same level as milk delivered to the pool distributing plant at Fayetteville.

Mid-Am opposed changing the pricing point on milk diverted to a nonpool plant located within the marketing area. The cooperative's spokesman testified that Mid-Am supplies milk to the pool distributing plant located at Fayetteville from farms of its member producers located in the general vicinity of Fayetteville. Milk that is not needed by the Fayetteville plant is diverted to a nonpool plant operated by Mid-Am at Monett, Missouri, which is within the marketing area. The witness indicated that the milk diverted to Monett is priced at the plant from which diverted, which in this case is the Fayetteville plant. Accordingly, this diverted milk receives the Zone III uniform price. Mid-Am noted that under Kraft's proposal this milk would be priced at Monett and would receive the Zone I uniform price, which is 17 cents below the price its producers are now receiving.

No change should be made in the pricing of diverted milk. Although proponent took the position that all milk produced in northwestern Arkansas should be priced at the same level, its proposal to implement such pricing fails to accomplish that purpose. For example, milk produced in Washington County, Arkansas that is diverted to Monett, Missouri, which is just north of the Missouri-Arkansas border, would be priced 17 cents less than milk diverted to either Bentonville or Berryville, Arkansas.

A further reason for denying proponent's proposal is that it would price milk at the nonpool plants of Bentonville and Berryville at a higher level than if it were received at the Springfield pool supply plant from which diverted. Under such circumstances, the order would be structured to provide an incentive for milk associated with the supply plant to be delivered to plants for manufacturing uses rather than to the pool supply plant whose usual function would be to make such milk available for Class I uses.

One of proponent's concern was that milk which is diverted to its plants at Bentonville and Berryville be priced at the same level. The present provisions provide that milk diverted to nonpool plants within 120 miles of Springfield, any milk diverted by Kraft from the Springfield plant to such locations will receive the same price.

5. *Funding rate for the advertising and promotion program.* The funding rate for the Advertising and Promotion program should be modified by changing the present 5-cent rate to a rate determined yearly by multiplying the simple average of the monthly "weighted average prices"[2] applicable during the last quarter of the preceding calendar year by .75 percent.

Under the revised funding formula, a simple average of the "weighted average prices" for the last quarter of the calendar year would be computed by the market administrator as soon as possible after the end of the preceding calendar year. This average price would be multiplied by .0075 and rounded to the nearest whole cent to determine the actual rate of assessment to be effective on April 1. As soon as possible after the rate of withholding is computed, the market administrator would notify in writing all procedures currently on the market and any new producer that subsequently enters the market of the new withholding rate. This notification would be repeated annually thereafter only if there was any change in the rate from the provious period. Beginning March 1, producers would have the opportunity to request a refund of the money withheld just as they do presently. The current practice of requiring producers to submit such requests to the market administrator within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively, would be continued.

The advertising and promotion program was established under the St. Louis-Ozarks order in April 1973. The program has been funded since its inception through a monthly 5-cent per hundredweight assessment on milk delivered during the month by participating producers. The money is deducted by the market administrator in the computation of the blend price and is turned over to an agency of producer representatives. Certain reserves are withheld by the market administrator to cover refunds to producers and administrative costs.

The advertising and promotion agency is responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act. The scope of the agency's activities may include the establishment of research and development projects, advertising on a nonbrand basis, sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products. The advertising and promotion program is a voluntary program. Accordingly, each producer, on a quarterly basis, is given an opportunity to request a refund of the money withheld from him.

An increase in the funding rate was proposed by Mid-Am, whose members comprise about 90 percent of the producers supplying the market. The cooperative's representative testified that the costs of operating the agency has escalated since the program was initiated while revenue to support the program had not kept pace. He indicated that it was for this reason that the cooperative proposed that the revenue for funding the program be fixed as a percentage of the producer's income in order to keep pace with the inflationary trend in the nation's economy.

At the request of the cooperative, a representative of the United Dairy Industry Association presented data in support of the cooperative's position that additional funds were needed by the agency. The data indicated that the cost of advertising by the various medias in the St. Louis area since 1972 has increased by at least 50 percent. In some instances, advertising costs have increased by 250 percent.

A spokesman for Prairie Farms Dairy, Inc., a cooperative that operates a pool distributing plant on this market, also testified in support of the proposed new assessment rate. He expressed concern about the continuing decline in per capita consumption of fluid milk. He indicated that an aggressive program of nonbrand advertising and promotion of milk and milk products is needed to combat declining milk consumption.

A spokesman for the Kroger Company questioned the need to expand the Advertising and Promotion program, claiming that the market does not have sufficient supplies of milk to meet the fluid needs of handlers. He stressed that while he was not opposed to advertising and pomotion he felt that the higher assessment to producers would be passed on to Kroger through the price that producers charge Kroger for milk. Kroger, in turn, would pass such costs on to consumers. The resulting higher costs to consumers, he reasoned, would encourage them to purchase less milk rather than more milk.

The proposed increase in the funding rate for the advertising and promotion program is warranted in view of the increased costs for advertising that have occurred since the program was established under the order. The greatest increase in the cost of adver-

[2] For the purpose of computing this assessment, the "weighted average price" rather than the "uniform price" should be used because the latter includes an adjustment reflecting the order's seasonal incentive production plan (Louisville plan). Because of this plan, the uniform price during each of the months of March through July is lower than it would otherwise be, while during the months of September through December it is higher than it would normally be. In view of this, it is more appropriate to use the average "weighted average price" for the months of October through December in determining the assessment rate for the following April-March period.

tising has occurred in local television. In terms of a dollar's worth of advertising in 1972, television advertising currently costs $2.57. The cost of newspaper and radio advertising also has increased but not to the same extent as television advertising. One dollar's worth of radio time in 1972 now costs $1.49 while the previous one dollar's worth of newspaper advertising now costs $1.58.

Based upon the increased cost for radio advertising, the funding rate would need to be increased by 2½ cents to enable the agency to purchase the same quantity of advertising as when the program was initiated. To purchase the same quantity of newspaper advertising, a 3-cent increase would be necessary. The funding rate adopted herein is in line with these cost increase for newspaper and radio advertising.

If the proposed funding rate were now in effect, the assessment for the period from April 1978 through March 1979 would be 7 cents per hundredweight. This is based on an average weighted average price of $9.84 for the last quarter of 1977. On the basis of the upward trend in weighted average prices for the months of January through September of 1978,[3] it appears likely that the funding rate for the period from April 1979 through March 1980 would be 8 cents per hundredweight. (The weighted average price for September 1978, the month immediately preceding the last quarter of 1978, was $10.64 per hundredweight, whereas a weighted average price in excess of $10.00 during the last quarter of 1978 would assure an 8-cent rate.)

The proposed rate as a percent of the weighted average price is in line with the rate at which producers originally funded the program. In 1973, when the Advertising and Promotion program was adopted in the St. Louis-Ozarks order, the 5-cent rate was equal to .72 percent or the weighted average price for the year. By 1977, the 5-cent rate represented only .52 percent of the annual weighted average price. The reason for this decline, of course, is that the annual weighted average price increased from $6.96 in 1973 to $9.53 in 1977, while the 5-cent funding rate has remained constant. As mentioned previously, the revised funding rate adopted herein would have provided an assessment rate during 1977 of 7 cents per hundredweight, which is equal to .73 percent of the annual weighted average price (approximately the same percentage rate that was in effect during 1973).

A minor change should be made in the refund procedure with respect to producers who have transferred to the St. Louis-Ozarks market from another Federal order market with an Advertising and Promotion program. Presently, a producer who is participating in an Advertising and Promotion program under another order and then transfers to the St. Louis-Ozarks order at any time other than the refund notification period (the first 15 days of December, March, June, or September) is required to participate in the Advertising and Promotion program under Order 62. This should be changed to give all new producers on this market the opportunity to request a refund of their money withheld for the Advertising and Promotion program, regardless of whether they were participating in a similar program under some other order.

Previously, it was presumed that a producer who was participating in an Advertising and Promotion program under one order would be willing to participate in a similar program under any other order since the rate of withholding was the same. However, since the rate of withholding under Order 62 would be somewhat higher than the rate now applicable under several other Federal orders, a producer should be given an opportunity upon coming onto the market to decide if he wants to participate in the program under this order at the higher rate.

Conforming changes have been made in the order to recognize that the current references in several sections to "weighted average price plus 5 cents" will no longer be appropriate. In implementing the revised funding rate for the Advertising and Promotion program, the order has been modified so that the weighted average price would be computed without deducting the amount of money to be withheld for such program. Thus, the current references to "weighted average price plus 5 cents" are changed to read "weighted average price." Under the adopted changes, the uniform price computation will continue, however, to reflect the deduction applicable for funding the Advertising and Promotion program.

6. *Assessment for order administration.* The maximum assessment rate for the administration of the order should be increased from 2.5 cents to 4 cents per hundredweight.

Funds for the operation of the market administrator's office except for marketing services are obtained through an assessment paid by handlers. The amount of each handler's monthly assessment is dependent upon the quantity of milk that he receives and the assessment rate effective for such month.

A maximum is specified in the order to provide an upper limit on the rate that the market administrator may establish for the assessment. The assessment rate is determined by the market administrator, subject to the approval of the Secretary, according to his projections of the level of monthly producer receipts and the costs of operating his office. The actual assessment rate in 1977 was 2 cents per hundredweight.

The market administrator of the order testified in support of an increase in the assessment rate. He stated that in view of increasing office expenses and declining producer receipts on which income for administration of the order is dependent, the present limit of 2.5 cents would not provide sufficient funds during the next several years to administer the order effectively. He indicated that the need to increase the maximum assessment rate became evident early in 1978. Up until that time, producer receipts had been increasing from year to year. However, producer receipts began declining during the early part of 1978 and, as a consequence, the revenue available to operate his office also declined. The market administrator pointed out that the present rate has been in effect since 1946 and is among the lowest in all Federal orders. He testified further that the maximum rate under the three other orders that he administers is twice that of the St. Louis-Ozarks order.

The record evidence provides no assurance that the present maximum assessment rate of 2.5 cents per hundredweight will yield sufficient funds for the market administrator to administer the order effectively during the next several years. The extent to which future producer receipts may decline can not be ascertained from this record. Also, it is not possible to project with certainty the extent to which the costs of operating the market administrator's office may increase during the coming years.

It is concluded, therefore, that the proposed 4-cent rate should be adopted in order to assure that the market administrator has sufficient resources at his disposal to administer the order effectively. In the absence of such resources, there would be no means of ascertaining with certainty that handlers had paid the minimum class prices established under the order. Furthermore, the adoption of a higher maximum rate at this time will avoid the necessity of holding a hearing at a later date solely for the purpose of adjusting the rate upward in order to obtain sufficient revenue to operate the market administrator's office effectively.

No opposition to increasing the assessment rate was expressed at the hearing or in the post-hearing briefs which were filed.

[3] Official notice is taken of the monthly "Computation of Uniform Price" for the St. Louis-Ozarks order for the period of January through September 1978.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations set forth below are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the St. Louis-Ozarks order and of the previously issued amendments to it. All of the previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the St. Louis-Ozarks marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1062.7, revise paragraph (d) to read as follows:

§ 1062.7 Pool plant.

* * * * *

(d) The term "pool plant" shall not apply to:

(1) A producer-handler plant or governmental agency plant;

(2) A distributing plant that meets the requirements specified in paragraph (a) of this section and also meets the pooling requirements of another Federal order and has greater route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area unless one of the following conditions applies:

(i) If the plant was a pool plant under this order in each of the immediately preceding 13 months, it shall continue to be a pool plant under this order until the third consecutive month in which more than 50 percent of such route disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order; or

(ii) Except as provided in paragraph (d)(2)(i) of this section, if the plant was a pool plant under this order in the immediately preceding month, it shall continue to be a pool plant under this order until the third consecutive month in which a greater proportion of such route disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(3) A distributing plan which meets the pooling requirements of another Federal order and from which route disposition, except filled milk, during the month in this marketing area is greater than in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(4) A supply plant meeting the requirements of paragraph (b) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part.

2. Section 1062.13 if revised to read as follows:

§ 1062.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer which is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1062.9(c); or

(c) Diverted from a pool plant for the account of the handler operating such plant to another pool plant or diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in § 1062.9(b), subject to the following conditions:

(1) Milk from a dairy farmer shall not be eligible for deversion during any of the months of September through February unless at least one day's production is physically received during the month at a pool plant;

(2) The total quantity of milk diverted by a cooperative association to nonpool plants during each of the months of September through February may not exceed 50 percent of the quantity of producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The total quantity of milk diverted by the operator of a pool plant (other than a cooperative association) to nonpool plants during each of the months of September through February may not exceed 50 percent of the quantity of milk received at or diverted from such pool plant during the month that is not under the control of a cooperative association that diverts milk pursuant to paragraph (c)(2) of this section;

(4) Any milk diverted to nonpool plants in excess of the limits prescribed in paragraph (c)(2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk; and

(5) For pricing purposes, milk diverted from one pool plant to another pool plant or milk diverted to a nonpool plant that is located more than 120 miles from the nearer of the city hall in St. Louis and Springfield, Mo. (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be priced as the location of the plant to which diverted. Milk diverted to a nonpool plant located less than 120 miles from the city hall in St. Louis or Springfield shall be priced at the location of the plant from which diverted.

3. Section 1062.61 is revised to read as follows:

§ 1062.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1062.60 for all handlers who filed the reports prescribed by § 1062.30 for the month and who made the payments pursuant to §§ 1062.71 and 1062.73 for the preceding month;

(b) Deduct the amount of the plus adjustments and add the amount of the minus adjustments which are applicable pursuant to § 1062.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1062.60 (f) and (g); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price."

(f) For the months of January, February, and August, subtract from the weighted average price computed in paragraph (d) of this section the withholding rate for the Advertising and Promotion program as specified in § 1062.121(e). The result shall be the uniform price for the applicable month.

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (c) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d)(2) of this section by the weighted average price;

(h) From the remaining amount in paragraph (g) of this section subtract for each of the months of March and July an amount equal to 15 cents per hundredweight, and for each of the months of April, May, and June an amount equal to 25 cents per hundredweight, of the total amount of producer milk included in these computations for each respective month. This amount shall be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (i) of this section;

(i) To the remaining amount in paragraph (g) of this section add for each of the months of September and December an amount equal to 20 percent, and for each of the months of October and November an amount equal to 30 percent, of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations;

(k) Subtract the withholding rate for the advertising and Promotion program as specified in § 1062.121(e); and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers for the applicable month.

§ 1062.71 [Amended]

4. In § 1062.71(a)(2)(ii), delete the words "plus 5 cents."

§ 1062.75 [Amended]

5. In § 1062.75(b), delete the words "plus 5 cents."

§ 1062.76 [Amended]

6. In § 1062.76(a)(4), delete the words "plus 5 cents."

§ 1062.85 [Amended]

7. In the preamble of § 1062.85, change the number "2.5" to read "4".

8. In § 1062.120, revise paragraph (c) to read as follows:

§ 1062.120 Procedure for requesting refunds.

* * * * *

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1062.61(f) or (k).

* * * * *

9. In § 1062.120(d), change the reference "§ 1062.61(d)" to read "§ 1062.61(f) or (k)."

10. In § 1062.121, revise the introductory text of paragraph (b) and paragraph (b)(2) and (3) to read as follows:

§ 1062.121 Duties of the market administrator.

* * * * *

(b) Each month set aside into an advertising and promotion fund, separately accounting for, an amount equal to the withholding rate for the month, as specified in § 1062.121(e), times the amount of producer milk included in the uniform price computation for such month. The amount set aside shall be disbursed as follows:

(1) * * *

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the volume of milk pooled by any such producer for which deductions were made pursuant to this paragraph.

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1062.120. Such refund shall be computed by multiplying the rate specified in paragraph (e) of this section by the hundredweight of such producer's milk pooled for which deductions were made pursuant to this paragraph for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

* * * * *

11. In § 1062.121, add two new paragraphs, (e) and (f), to read as follows:

§ 1062.121 Duties of the market administrator.

* * * * *

(e) Compute the rate of withholding as soon as possible after the end of the preceding calendar year by multiplying the simple average of the monthly "weighted average prices" applicable during the last quarter of such preceding calendar year by 0.75 percent. This rate, rounded to the nearest whole cent, shall become effective on the following April 1 and and shall remain in effect thereafter through the following March 31.

(f) As soon as possible after the rate of withholding is computed, notify in writing each producer currently on the market and any new producer that subsequently enters the market of the withholding rate. This notification shall be repeated annually thereafter only if there is any change in the rate from the previous period.

Signed at Washington, D.C., on November 17, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-32809 Filed 11-21-78; 8:45 am]

[3410-07-M]

Farmers Home Administration

[7 CFR Part 1933]

LOAN AND GRANT PROGRAMS

Community Facility Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA), proposes to amend its loan regulations concerning the bidding of specified materials for projects financed by FmHA. The intended effect is to require justification by the owner and consultant where all materials which would normally be suitable are not included for bidding. The action is proposed as a result of an administrative decision.

DATES: Comments must be received on or before January 22, 1979.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Lonney H. Posey, telephone 202-447-5717.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration (FmHA) proposes to amend § 1933.18(a)(9)(ii)(B) of subpart A of part 1933, Chapter XVIII, Title 7, Code of Federal Regulations.

As proposed, § 1933.18(a)(9)(ii)(B) of subpart A is amended to provide for requiring a written justification when materials which would normally be suitable are not included for bidding from the owner and the consultant. This amendment will help to increase competitiveness and insure fairness in the bidding process. When pipe materials are involved, the owner and the consultant must justify, in writing, the exclusion of material(s) normally considered suitable. Such justification must be acceptable to the FmHA. This document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an Environmental Impact Statement is not required.

Accordingly, as proposed § 1933.18 paragraphs (a)(9)(ii)(B) (*1*), (*2*) and (*3*) are deleted and the introductory section is amended to read as follows.

§ 1933.18 Appendix B—Community facilities—Planning, bidding, contracting, constructing.

(a) * * *

* * * * *

(9) *Procurement, bidding, and contracting.* (i) * * *

(ii) * * *

(A) * * *

(b) All procurement transactions regardless of whether negotiated or advertised, and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The borrower should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict eliminate competition or otherwise restrain trade. Performance specifications and the term "or equal" may be used for equipment and materials. In specifying materials, the owner and his consultant will consider all materials suitable for the project. Where materials which would normally be considered suitable are not included for bidding, the owner and the consultant may be required by FmHA to justify, in writing, the selection of the materials used and explain why normally suitable materials were excluded. When pipe materials for utility type projects are involved, the owner and the consultant must justify, in writing, the exclusion of any material(s) normally considered suitable. Such justification must be acceptable to the FmHA.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: November 9, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-32733 Filed 11-21-78; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 211]

[Docket No. ERA-R-78-3]

ENTITLEMENTS PROGRAM TO REDUCE THE LEVEL OF BENEFITS RECEIVED UNDER THE SMALL REFINER BIAS

Proposed Amendments and Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Economic regulatory Administration ("ERA") of the Department of Energy ("DOE") proposes to amend the small refiner bias under the domestic crude oil allocation ("entitlements") program to reduce the level of benefits available to small refiners under the bias. This action is based on our tentative conclusion that the bias overcompensates small refiners, particularly those below the 50,000 barrels per day (B/D) level. The proposed amendments would reduce the maximum per barrel benefit received under the bias to $.96 per barrel, which is equal to the estimated operating margin disadvantage experienced by a representative small refinery at the 10,000 B/D crude level. The bias would be calculated on the basis of individual plant capacity (provided that the refiner's total refining capacity does not exceed 175,000 B/D), rather than on the current aggregate basis for all of a small refiner's refineries, and the value of the bias would be expressed in fixed dollar amounts. Bias benefits would be available only to those refineries which are in operation as of the date of publication of this proposed rule, or where the ERA has determined that a small refiner is eligible for the bias by reason of having expanded, or committed itself to expend by the date of this proposal, a significant portion of the total capital expenditures required for the particular refinery. For those small refineries that are proposed to be built and do not qualify for the bias because of this proposed "grandfather" clause, the ERA would consider applications on a case-by-case basis for determination as to whether a planned small refinery should be eligible for the bias, on the basis of whether the refinery furthered national energy objectives.

DATES: Comments by January 22, 1979, 4:30 p.m. Requests to speak by December 29, 1978, 4:30 p.m. Hearing dates: Washington hearing: January 16, 17 and 18, 1979, 9:30 a.m.; San Francisco hearing: January 9, 1979, 9:30 a.m.

ADDRESSES: All comments to: Public Hearing Management, ERA Docket No. ERA-R-78-3, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Requests to speak: Washington hearing, Public Hearing Management, Room 2313, Department of Energy, 2000 M Street NW., Washington, D.C. 20461; San Francisco hearing, Department of Energy, Attention: R. Laffel, Third Floor, 111 Pine Street, San Francisco, Calif. 94111. Hearing locations: Washington hearing, Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461; San Francisco hear-

ing, Federal Courthouse, Courtroom 15, 7th and Mission, San Francisco, Calif. 94111.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures) 2000 M Street NW., Room 2214 Washington D.C. 20461, 202-254-5201.

Mary B. Jones (Regulations and Emergency Planning), 2000 M Street NW., Room 8202, Washington, D.C. 20461, 202-632-5133.

William L. Webb (Office of Public Information), 2000 M Street NW., Room B-110, Washington, D.C. 20461, 202-634-2170.

Douglas McIver (Entitlements Program Office), 2000 M Street NW., Room 6281, Washington, D.C. 20461, 202-254-8660.

Michael Paige or Fred Wolgel (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202-566-9565 or 566-2454.

William C. Lane, Jr. (Office of Competition), 20 Massachusetts Avenue NW., Room 7127, Washington, D.C. 20545, 202-376-9495.

SUPPLEMENTARY INFORMATION:

I. Background and Principal Proposal
A. Background
B. History of the Small Refiner Bias
C. Discussion of Comments
D. The Principal Proposal
E. Small Refiner Exception Standards
II. Comments Requested on Alternative Proposals
III. Written Comments and Public Hearing Procedures

I. Background and Principal Proposal

A. Background

On February 5, 1978 (43 FR 5870, February 10, 1978), we issued a notice of inquiry which gave notice of the availability of an independent report we had commissioned to analyze the small refiner bias under the domestic crude oil allocation ("entitlements") program. The notice summarized the report's findings, and requested comments concerning the report's findings and method of analysis. In addition, we requested specific comments on whether, in light of the report and any additional relevant considerations, the small refiner bias should be altered, and if so, the appropriate manner in which the bias should be altered at the various crude run levels. We stated that following the close of the comment period we would evaluate the report, the comments received, and the existing bias provisions to determine what further actions should be taken.

B. History of the Small Refiner Bias

The DOE's entitlements program provides for the issuance to small refiners of additional entitlements over and above the number of entitlements issued to all refiners generally with respect to their crude oil runs to stills. Under the monthly entitlement calculations, each refiner is issued a number of entitlements that result from application of the domestic crude oil supply ratio to the volume (in barrels) of that refiner's crude oil runs to stills for that month. Under 10 CFR 211.67(e), which provides for the small refiner bias, small refiners (defined in § 211.62 as those with a refinery capacity not exceeding 175,000 B/D) are issued bias entitlements in addition to those issued by application of the domestic crude oil supply ratio. The number of additional entitlements issued under the bias is dependent on the level of the particular small refiner's crude oil runs in the month involved. The per barrel bias entitlements are highest at crude run levels of up to 10,000 B/D and declines as the small refiner's crude run volume increases over 10,000 B/D. Above the 175,000 B/D crude run level no bias entitlements are issuable. The general effect of the small refiner bias is to lower crude oil costs for small refiners, by either permitting them to sell a greater number of entitlements or requiring them to purchase fewer entitlements with respect to their crude oil receipts.

The small refiner entitlements bias was initiated in the first notice of proposed rulemaking to establish the entitlements program, issued by the Federal Energy Administration ("FEA")[1] on August 28, 1974 (39 FR 31650, August 30, 1974). The notice solicited comments on the desirability of providing for a small refiner bias, but offered no specific regulatory provision therefor.

Specific provision for a small refiner bias first appeared in FEA's further notice of proposed rulemaking issued on November 7, 1974 (39 FR 39740, November 11, 1974), which proposed a sliding scale bias whereby each small refiner would receive additional entitlements as a percentage of its crude runs and the number of entitlements so issued would be greater at the lower run levels. The rationale for providing favorable treatment for small refiners was FEA's belief that it was necessary to compensate for the higher operating costs and proportionately greater capital expenditure requirements that small refiners experienced relative to large refiners, and FEA's belief at that time that to remain competitive many small refiners priced their products below those marketed by major refiners. The bias, therefore, was designed principally to protect the competitive viability of the small refiner segment of the petroleum industry. The level of benefits initially proposed by FEA to favor small refiners was based on the sliding scale for issuances of oil import tickets under the mandatory oil import program when ticket values were in the $1 per barrel range.

The final rule adopting the entitlements program which was issued on November 29, 1974 (39 FR 42246, December 4, 1974), reflected FEA's affirmation of the need for a small refiner bias but concluded that, while its reference to the historic treatment afforded under the oil import program was valid, the benefits proposed were insufficient to adequately protect the competitive viability of small refiners. Accordingly, the rule adopted contained small refiner bias provisions that related the incremental entitlement issuances up to the first 30,000 B/D of crude runs to the maximum economic preferences granted under the oil import program with respect to the PAD District V ticket issuances.

On December 20, 1974, FEA adopted corrective amendments (39 FR 44710, December 27, 1974) to the entitlements program, which included technical changes relating to the small refiner bias provisions, because FEA had determined that the value of import tickets issuable to small refiners had been incorrectly computed. These corrective amendments adjusted bias entitlements issuances to the following levels, which were applicable through March 1976:

Value of Small Refiner Bias Prior to April 1976

Crude runs	Number of bias entitlements	Daily value of bias entitlements*	Per barrel value of bias entitlements*
10,000	1,238	$10,028	$1.00
30,000	1,690	13,689	.46
50,000	1,567	12,693	.25
100,000	1,258	10,190	.10

* Based on an entitlement price of $8.10.

[1] Effective October 1, 1977, all functions previously performed by the FEA were transferred to the Department of Energy (DOE) pursuant to the Department of Energy Organization Act (DOE Act, Pub. L. 95-91) and Executive Order 12009 (42 FR 46267, September 15, 1977). In DOE Delegation Order No. 0204-4, the Secretary of Energy delegated to the Administrator of the Economic Regulatory Administration (ERA) the authority previously exercised by ERA to take action with regard to the allocation and pricing of crude oil.

On December 22, 1975, the Energy Policy and Conservation Act, Pub. L. 94-163 (the "EPCA") became law. Section 403 of the EPCA exempted refiners whose refining capacity did not, on January 1, 1975, or thereafter, exceed 100,000 barrels per day from entitlement purchase requirements as to the first 50,000 barrels per day of their inputs or receipts, or both. On December 31, 1975 (41 FR 1044, January 6, 1976), FEA adopted special rule No. 6 for subpart C (the "special rule") on an emergency basis to implement these exemption requirements of the EPCA. The special rule exempted all qualified small refiners from any purchase requirements they would otherwise have as to the first 50,000 barrels per day of their crude runs. For small refiners having run levels in excess of 50,000 barrels per day, the special rule exempted a proportion of the entitlement purchase requirements they would otherwise have.

Section 455 of the EPCA generally permitted FEA to modify the small refiner purchase exemption (as was implemented by the special rule) where FEA determined that the exemption resulted in an unfair economic or competitive advantage for its beneficiaries with respect to other small refiners or otherwise seriously impaired FEA's ability to provide for the attainment of the objectives of the Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159 (the "EPAA"). Any FEA modification of the exemption, however, was, by the terms of the EPCA, subject to review by both Houses of Congress under the procedures set forth in section 551, and would become effective only if neither House disapproved the modification within 15 days of submission.

On February 28, 1976 (41 FR 9391, March 4, 1976), FEA stated its initial determination that the full exemption as in effective under the special rule had certain unfair effects, and proposed modifications to the exemption. As a part of that proceeding, FEA invited comments on whether the exemption should be modified such that both small refiner entitlement purchasers and sellers would receive equivalent benefits. FEA suggested that such a modification could be accomplished by eliminating the exemption for small refiner entitlement purchasers, and by increasing the amount of the bias as to all small refiners, thereby keeping such refiners on the same competitive basis.

On May 12, 1976 (41 FR 20392, May 18, 1976), FEA confirmed its determination that the exemption had been operating to seriously impair its ability to attain the objectives of the EPAA and was resulting in an unfair economic or competitive advantage for certain small refiners with respect to other small refiners. Accordingly, FEA modified the exemption by revoking the special rule and increased the amount of additional entitlements issuable to all small refiners under the general regulatory provisions providing for the small refiner bias. The bias was increased because FEA concluded at that time that the bias amounts were not sufficient to enable small refiners to compete effectively. These amendments were not subsequently disapproved by either House of Congress under the procedures provided by the EPCA and became effective with respect to entitlement issuances for April 1976.

These amendments increased the value of the bias to its current level:

Value of Current Small Refiner Bias *

Crude runs	Number of bias entitlements	Daily value/cost of bias entitlements	Per barrel value of bias entitlements
10,000	2,288	$18,533	$1.85
30,000	3,123	25,296	.84
50,000	2,079	16,840	.34
100,000	1,258	10,190	.10
175,000	0	−21,000	−.12
500,000	0	−60,000	−.12

*Based on an estimated September 1978 entitlement price of $8.10.

Thus, at the 10,000 B/D level bias benefits were increased by 85 cents per barrel and by declining additional amounts as the refiner's volume of crude oil runs increased. At the 100,000 B/D and higher run levels, no increase was provided.

On February 10, 1977, FEA tentatively concluded that the rationale underlying the small refiner bias did not appear to support the issuance of bias entitlements to small refiners for crude oil refined at other refineries under processing agreements, and accordingly proposed to eliminate issuances of all bias entitlements with respect to processing agreements for the account of small refiners (42 FR 9394, February 16, 1977). On April 30, 1977, FEA affirmed its tentative conclusion that there was no justification for the issuance of bias entitlements for processing agreements outside a small refiner's plant, and adopted the final rule essentially as proposed, effective for June 1977 crude oil runs to stills.

C. DISCUSSION OF COMMENTS

In response to our Februry 5 notice, we received 114 written comments. In addition, public hearings were held in San Francisco, Calif., on March 9, 1978, at which 7 persons testified, in Dallas, Tex., on March 9, 1978, at which 10 persons testified, and in Washington, D.C., on March 6 and 7, 1978, at which 29 persons testified. Commenters included major, large independent, and small refiners, the U.S. Department of Justice, a U.S. Senator, an engineering consulting firm, and several trade associations, representing either crude oil producers, resellers, small refiners, or independent marketers.

The overwhelming majority of small refiners at the lower crude run levels expressed support for the small refiner bias at its current level. Many of the smallest refiners contended that the major refiners set artificially low prices on refined petroleum products, resulting in low margins of profit on their refinery operations, which major refiners can subsidize with profits from other activities, particularly from profits derived from their crude oil production operations. These commenters maintained that such "cross-subsidization" constituted the chief competitive disadvantage and threat to the competitive viability of small and independent refiners. A substantial number of small and independent refiners also claimed that to remain competitive, they are forced to price their products below that charged by the major refiners, further reducing their operating margins. The majority of the small refiners commenting took the position that the study completed for DOE was thus too limited, and

that DOE should undertake further study on the issue of cross-subsidization, and that bias benefits should not be altered until such studies are completed. Many small refiners also disputed the report's finding that variations in crude costs were not a function of refinery size.

Several of the larger small refiners supported the concept of a small refiner bias, but agreed with the report's conclusion that refiners below the 50,000 B/D level are overcompensated. Several refiners in the 30,000-50,000 B/D level pointed out that the bias, as currently structured, acts to discourage refinery expansion in the 30,000 to 50,000 B/D range.

Two small refiners proposed that the bias benefits vary as a factor of a refinery complexity.

The major and large independent refiners overwhelmingly opposed the small refiner bias, both in concept and at its current level of benefits. These commenters supported the report's findings with respect to overcompensation of refiners below 50,000 B/D. Several major refiners also noted that the bias contributed to reactivations of small plants that would otherwise be uneconomic. These refiners observed that the total annual value of the bias subsidies is sufficient to construct four to five new 200,000 B/D refineries, and questioned whether the diversion of resources of this magnitude to less efficient small refineries is in the national interest. Several larger refiners, both majors and independents, also questioned whether the present subsidy approach or level of benefits correctly reflects the intent of the Congress or is in the national interest. The current bias was credited with subsidizing inefficiency and constituting a disincentive for the smaller refiners to expand or upgrade their facilities. The major refiners and several larger and midsized independent refiners stated that numerous factors such as logistics, unique market conditions and special product slates have more impact on refining economics than size of operation, and account for the profitability of small refiners in areas where they have traditionally been viable.

Several commenters cited the inconsistency of basing the bias subsidy on relative economies of scale of refinery operations while administering it on a company aggregate capacity basis. It was pointed out that large refiners do not necessarily operate large refineries and that the size of the average refinery in the United States is 60,000 B/D. Among all size categories of refiners, except those in the 10,000 B/D range and under, support was expressed for application of bias benefits on and individual plant basis.

Independent branded marketers nearly unanimously opposed the small refiner bias and contended that it has created severe distortions in the petroleum market. This group objected vigorously to the bias program, which it perceives as an inequitable subsidy to its competition, that is, the small refiner marketers. Several branded independent marketers contended that the bias conflicts with the congressional intent that DOE protect the competitive viability of independent marketers. Several independent marketers claimed that the bias caused margin differentials in the retail market of 4 to 5 cents per gallon, and that the bias caused the demise of many small branded independent marketers. It was also noted that where the bias subsidies are passed through to the market, these markets are usually geographically circumscribed local markets served by individual small refiners and thus the benefits accrue to relatively few consumers. One marketer association contended that the bias has created subsidized marketing companies, and that small refiners are using excess compensation from the bias benefits to expand marketing operations and to purchase finished products instead of expanding and upgrading their refineries.

Based on the comments received, our analysis of the report's findings, and in light of the distortions which have occurred as a result of the current level of benefits, we have tentatively concluded that the aggregate amount of benefits received by small refiners greatly exceeds the amount necessary to preserve the viability of independent and small refiners. Such overcompensation acts as a disinentive to refinery expansion, and has encouraged the establishment of numerous small refineries that would otherwise be uneconomic. Since February 28, 1976, the date of publication proposing the current level of the bias, 22 new small refineries have been built. In addition, several new small refineries have been created through the conversion of various kinds of industrial plants into refineries, or through the reopening of previously inactive refineries. We believe that these reactivations have occurred primarily because of the current level of the bias, particularly at the lower crude run levels, and that the proliferation of refineries that would othewise be uneconomic is counter to the objective set forth in § 4(b)(1)(I) of the EPAA, i.e., the minimization of economic distortion. Accordingly, we propose to reduce the small refiner bias to eliminate that portion of benefits which appear to be greater than the cost disadvantage of a representative refinery. Further, in order to discourage the proliferation of refineries that would otherwise be uneconomic in the absence of the small refiner bias, we propose to limit eligibility for the small refiner bias benefits to those plants that are currently in operation or for which a significant portion of the capital expenditures have already been made or have beem irrevocably committed. For those small refineries that are proposed to be built and do not qualify for the bias because of this proposed "grandfather" clause, the ERA would consider applications on a case-by-case basis for determination as to whether a planned small refinery should be eligible for the bias, on the basis of whether the refinery furthered national energy objectives.

We believe it is appropriate to examine the issue of overcompensation of small refiners in terms of operating cost differentials experienced by representative small refinery configurations, in comparison to a representative 175,000 B/D refinery, as was done in the report commissioned by DOE. We have tentatively concluded that an approach based on operating cost differentials is appropriate. It would reduce the level of benefits received under the bias, thereby reducing economic distortions caused by the current bias, while continuing to provide small refiners with a level of protection sufficient to preserve their viability. In this regard, we note that the bias levels in effect during the period immediately preceding the revocation of special rule No. 6 were generally sufficient to enable small refiners to continue profitable operations.

Section 301 of the Petroleum Marketing Practices Act, Pub. L. 95-91 (PMPA) states:

> (a) The Secretary of Energy, in consultation with the Chairman of the Federal Trade Commission and the Attorney General and other agencies as the Secretary deems appropriate, shall conduct a study of the extent to which producers, refiners, and other suppliers of motor fuel subsidize the sale of such motor fuel at retail or wholesale with profits obtained from other operations.
>
> (b) Such study shall examine—
>
> (1) The role of vertically integrated operations in facilitating subsidization of sales of motor fuel at wholesale or retail;
>
> (2) The extent to which subsidization is predatory and presents a threat to competition;
>
> (3) The profitability of various segments of the petroleum industry;
>
> (4) The impact of prohibiting such subsidization on the competitive viability of various segments of the petroleum industry, on prices of motor fuel to consumers and on the health and structure of the petroleum industry as a whole; and
>
> (5) Such other matters as the Secretary considers appropriate.

With respect to the cross-subsidization issue raised by many commenters, we defer reaching any conclusion pending completion of the study required by the PMPA. However, with respect to the issues of crude oil costs

and product netbacks in relationship to refinery size, based on our analysis of the report's findings we have tentatively concluded that there is no relationship between refinery size and crude oil acquisition costs or product netbacks.

D. THE PRINCIPAL PROPOSAL

The proposed amendments to § 211.67(e)(1) would reduce the maximum per barrel gross benefit received under the bias from the current $1.85 per barrel at the 10,000 B/D level, to $0.96 per barrel. At the 30,000 B/D level, we propose to reduce the gross bias from $0.84 per barrel to $0.53 per barrel. At the 50,000 B/D level, we propose to reduce the bias from $0.34 per barrel to $0.28 per barrel, and at the 100,000 B/D level, the bias would be reduced from $0.10 per barrel to $0.09 per barrel. Under the amendments proposed, the gross amount of bias benefits received would be reduced from the current $710 million annually to approximately $483 million annually. We invite specific comments on whether the level of benefit proposed is appropriate, or whether a different level of bias (either greater or lesser than proposed) is appropriate or justified, and whether the level of benefits should be structured or skewed in a different fashion.

Because the total number of bias entitlements received under the current bias declines as a small refiner's crude runs increase above 30,000 B/D, disincentives may exist with respect to increasing refinery expansion beyond the 30,000 B/D level. Under the current bias, for each barrel that a small refiner increases its runs above 30,000 B/D, the total benefits received under the bias are reduced by $0.42. Although the need for a bias subsidy may decline as a small refiner increases the size of its operation, the bias cannot be sharply decreased at any given level without acting as a disincentive to refinery expansion. Our methodology, which is based on a comparison of representative refinery operating margins, yields a result such that our proposal would diminish the amount by which the bias declines at any given level to not more than 12 cents for each additional barrel. We believe that the proposed amendments would thus remove any disincentives that may currently exist with respect to small refinery expansions.

The value of the current small refiner bias, and the maximum value of the proposed small refiner bias are shown in the two tables below. The last column to the right gives the per barrel value or cost of the bias for each additional barrel that a refiner increases its crude runs beyond the level shown in the first column:

*Value of Current Small Refiner Bias**

Crude runs	Number of bias entitlements	Daily value/cost of bias entitlements	Per barrel value/cost of entitlements	Incremental per barrel value/cost of bias
10,000	2,288	$18,533	$1.85	$0.34
30,000	3,123	25,296	.84	−.42
50,000	2,079	16,840	.34	−.13
100,000	1,258	10,190	.10	−.14
175,000	0	−21,000	−.12	−.12
500,000	0	−60,000	−.12	−.12

*Based on an estimated September 1978 entitlement price of $8.10.

Value of Proposed Small Refiner Bias

Crude runs	Number of bias entitlements*	Daily value/cost of bias barrels	Per barrel value/cost of bias entitlements	Incremental per barrel value/cost of bias
10,000	1,185	$9,600	$0.96	$0.315
30,000	1,963	15,900	.53	−.095
50,000	1,728	14,000	.28	−.10
100,000	1,111	9,000	.09	−.12
175,000	0	−14,000	−.08	−.08
500,000	0	−40,000	−.08	−.08

* The number of bias entitlements issuable would vary from month to month, based on the entitlement price. This example is based on an entitlement price of $8.10.

The proposed amendments also provide for the issuance of bias entitlements on the basis of individual plant capacity, rather than on a company aggregate basis. The majority of commenters addressing this issue supported this approach. We have tentatively determined that the adoption of this approach would better accomplish the objectives of the bias. In addition to more accurately compensating for diseconomies of scale, issuance on the basis of individual plant capacity may reduce the incentive for refinery "spinoffs", whereby a refiner sells one of its refineries for the purpose of increasing the total number of bias entitlement issuable. Major and large independent refiners would not qualify for bias entitlements with respect to any small refineries owned, since the definition of "small refiner" in § 211.62 (and in § 3 of the EPAA) is limited to refiners with aggregate refinery capacity below 175,000 B/D. Comments are requested whether independent refiners with aggregate runs to stills in excess of 175,000 B/D should be made eligible for bias benefits with respect to individual plants with runs to stills below 175,000 B/D.

Section 211.67(e)(4) would limit the eligibility to receive bias benefits to only those plants which are in operation as of the date of publication of this proposed rule. In order to avoid imposing hardships on small refiners who are currently constructing new plants, proposed § 211.67(e)(4) would permit the ERA to designate plants which begin operations after the cutoff date and eligible for bias benefits, if we determine that the refiner had expanded or irrevocably committed itself to expend a substantial portion of the capital expenditures required for a new facility by the cutoff date. We invite comments on the standards we should apply in making such determinations—for example, what threshold amount or percentage of the total capital required should be deemed sufficiently "substantial" and would therefore qualify a plant for the bias. Following and initial determination of this factual issue by the ERA, a firm could appeal a denial to the Office of Hearings and Appeals.

In addition, we are proposing to determine, on a case-by-case basis, whether a planned small refinery which is ineligible for bias benefits because of the "grandfather" provision should be granted bias benefits because such a facility, in addition to being an economically viable facility, would further the DOE's objectives with regard to increasing the nation's capability to process heavy gravity or high sulfur crude oil, or would further other important national energy objectives. We are particularly interested in receiving comments that would assist us in developing appropriate standards and guidelines for reviewing such applications, as well as sugges-

tions for the specific criteria, the type of data and financial information that would be required to evaluate such applications.

The proposed amendment to § 211.67(e) provides that a small refiner shall receive bias entitlements on the basis of the daily average volume of crude oil runs to stills attributable to each of its refineries. For purposes of computing the small refiner bias, the daily average volume of a small refiner's crude oil runs to stills with respect to each of its refineries would not be computed on the basis of the actual volume of crude oil run through a particular plant. Instead, under § 211.67(e)(3) the daily average volume of crude oil runs to stills attributable to a particular plant would be equal to the same percentage of that small refiner's total daily average volume of crude oil runs to stills which a given plant bears to the total refining capacity of the small refiner. For example, if a small refiner had two plants, one with a certified capacity of 10,000 B/D (plant A), and another with a certified capacity of 30,000 B/D (plant B), and that small refiner had a daily average volume of crude oil runs to stills for a given month totalling 28,000 B/D, the crude runs attributable to each plant would be computed as follows:

$$10{,}000 \text{ B/D (Plant A)} + 30{,}000 \text{ B/D (Plant B)} = 40{,}000 \text{ B/D total refining capacity}$$

For Plant A:

$$28{,}000 \text{ B/D} \times \frac{10{,}000 \text{ B/D}}{40{,}000 \text{ B/D}} = 7{,}000 \text{ B/D attributable to Plant A}$$

For Plant B:

$$28{,}000 \text{ B/D} \times \frac{30{,}000 \text{ B/D}}{40{,}000 \text{ B/D}} = 21{,}000 \text{ B/D attributable to Plant B}$$

In this fashion, a small refiner would not have an incentive resulting from the bias to utilize its smaller (and generally more inefficient) refineries at a higher rate in order to maximize the incentives it receives under the small refiner bias. We request comments on, among other things, the effect of this formula on refiners' decisions regarding the distribution of capacity expansion among its plants.

Small refiners would be required to report shutdowns in individual plants to the ERA, where the shutdown results in a 50 percent or greater portion of that plant's refinery capacity not having been operable during a month. In such instances, the ERA could make adjustments to the volume of a small refiner's crude oil runs to stills attributable to that particular plant.

Because the price of an entitlement varies from month to month, the amount of benefits received by a small refiner under present regulations may change significantly without any change in that small refiner's daily average volume of crude oil runs to stills. In order to provide small refiners with a level of certainty with respect to bias benefits, the proposed amendments to section 211.67(e)(1) provide that the number of entitlements issuable to small refiners under the small refiner bias shall be set in fixed dollar amounts. For example, if a small refiner owned one refinery with a daily average volume of crude oil runs to stills of 10,000 B/D, under the proposed amendments that small refiner would receive a number of additional entitlements for each day of that month equal to such refinery's daily average volume of crude oil runs to stills multiplied by a fraction, the numerator of which is $.96, and the denominator of which is the entitlement price for that month. We are interested in receiving specific comments as to whether the bias should be set in fixed dollar amounts, as proposed, or whether the bias should continue to fluctuate, based on the price of an entitlement (as is currently done) or based on the value of the entitlement crude runs credit that refiners receive for each barrel of crude oil that is processed.

In addition, if the entitlements program is phased out, as planned, either through the imposition of a crude oil equalization tax (COET) or some other action which has the effect of raising refiners' acquisition costs for domestic crude oil to the world market price, we believe that under such circumstances it would be inappropriate for small refiners to receive a fixed dollar amount of entitlement benefits while the total benefits available under the program are phased out. We solicit particular comments as to the appropriate manner in which the small refiner bias should be phased out if the entitlements program were to be eliminated.

E. SMALL REFINER EXCEPTION STANDARDS

In the context of this proceeding, the DOE invites preliminary comments and views from interested parties as to the standards under which exception relief should be granted by DOE's Office of Hearings and Appeals to companies that would be affected by the changes in the level of the small refiner bias as contemplated herein. With a decrease of the level of the small refiner bias that will have a financial impact particularly in the lower capacity ranges, we estimate that certain small refiners that are not currently receiving exception relief may apply for such relief as a result of losing these bias benefits. Alternatively, certain firms that are now receiving exception relief may apply for additional relief to compensate for lost bias benefits. For these companies, we invite comments from all interested parties as to whether the current entitlement exception standards for small refiners should continue to be applicable or as to whether other, and possibly more stringent, standards should be applied.

We are also interested in receiving comments as to whether the differing technical configuations of refineries, and the resulting operating cost differentials, should play a part in the calculation of any exception relief deemed appropriate by the DOE's Office of Hearings and Appeals for these new types of cases. Comments are also sought on whether differing standards should continue to be applied to entitlement purchasers and sellers in such cases.

II. COMMENTS REQUESTED ON ALTERNATIVE PROPOSALS

The DOE is undertaking a comprehensive study of the domestic refinery industry, in order to develop national policy positions on the major issues confronting the refining industry. As a part of that study, the state of competition in the refining sector will be evaluated including the need, if any, for protection for small independent refiners.

In section I.C., above, we have outlined comments received by DOE which question whether the present bias correctly reflects the intent of the Congress or is in the national interest. It has been charged that the bias subsidizes inefficiency, deters expansion, and damages the competitive viability of certain independent refiners and marketers. In light of these criticisms and others, we are requesting comments on alternatives to that of reducing the small refiner bias in the manner described above in section I.D.

The first of these alternatives is to eliminate the small refiner bias altogether. This would, of course, have the effect of increasing small refiners' crude acquisition costs, since small refiners would no longer receive additional entitlements based on their size. Instead, all refiners, including small refiners, would receive entitlements

based on the same entitlements formula. Comments received by DOE indicate that elimination of the small refiner bias would cause economic hardship to some small refiners. We are specifically requesting further comments on the extent to which elimination of the bias would adversely affect firms. How do these firms differ from those firms less adversely affected in their efficiency of processing and in in their plant complexity? We also request comments addressing the larger question of whether it is in fact necessary and appropriate to compensate small refiners for higher operating costs and proportionately greater capital expenditure requirements relative to large refiners.

In particular, we request opinions and information on the miminum efficient size of refineries that could be expected under an entitlements system with no small refiner bias. Also, if the bias were removed, how many firms would be expected to exit from the refining market; how would the investments and profitability of the remaining firms be affected; what new technologies, if any, would be likely to be adopted or diffused throughout the industry; what would be the expected changes in the role of independent refiners versus major integrated refiners; and to what extent would crude self-sufficiency become more important?

The second alternative on which comments are requested is replacing the small refiner bias system with a program focused away from compensation based on size, but instead directed to addressing the alleged need of nonintegrated refiners for access to crude oil at an equitable price. This system would not subsidize small refiners, but would instead provide incentives for all refiners to purchase crude oil through "open market" transactions. The system would attach a credit—under the entitlements system, additional entitlements—to every barrel of crude oil charged at the refinery which was purchased in an arm's length transaction in the secondary market.

This "open market credit" (OMC) system would not, as currently described, compel such purchases.[1] As devised, it would compensate the nonintegrated refiner for crude acquisition costs caused by vertical integration and the exchange system. At the same time, it would provide incentives for integrated firms to turn to open market sales rather than exchange and buy/sell agreements. This would theoretically reduce and eventually eliminate the need for the OMC altogether, since it is postulated that the acquisition costs of nonintegrated refiners would decrease as the overall level of open market sales increase. Formulas for the OMC have been proposed which would reduce the amount of the credit as the open market expands.[2] Comments are requested on the possible operation and enforcement of an OMC system, on the amount of entitlements or tax (COET) credit necessary to encourage refiners to turn to the open market for supply, and on its applicability to crude oil obtained from foreign sources.

As the OMC idea has been preliminarily developed, certain implicit assumptions seem to have been made, on which we request comments. First, it is assumed that independent refiners suffer competitive handicaps to the extent that they do not possess a captive supply of crude oil. Major integrated refiners have preferential access to crude oil, both through direct ownership of supply (vertical integration) and through participation in exchange agreements. It is also assumed that the exchange system raises incremental acquisition costs of crude oil to independent refiners. A refiner without a captive crude supply incurs higher acquisition costs than otherwise, because exchange agreements remove substantial quantities of supply from the open market. First, this removal replaces the normal market price mechanism with an artificial value-setting agreement attenuating market pressures. Second, in order to participate in exchanges for supply, a refiner without captive supply must allegedly go through a two-step process. Instead of merely locating convenient supply, the refiner must acquire crude oil for money purchase and then arrange an exchange transaction for other crude oil more conveniently located.

It is also assumed in the OMC proposal that the incentives for participation in exchanges are not so strong under current conditions that refiners would not turn to open market purchases if obvious benefits would attach to open market transactions. We request comments on whether this assumption is accurate, what in fact are the benefits to participating firms of current exchange practices, and what incentives would be necessary to counterbalance these benefits. Also, comments are requested on the extent to which participation in exchanges is a prevalent industry practice, estimates on the volume of crude oil that is exchanged, and whether reliance on exchanges has decreased or increased appreciably in the last few years, and whether, in the absence of incentives, it is likely to change in the future.

A major criticism of the current small refiner bias is that it encourages smallness rather than needed refinery expansion and improvements. A third alternative to reducing the level of the small refiner bias is to condition the receipt of bias entitlements upon utilizing one-half (or some other proportion) of those entitlements to invest in capital improvements. Comments are requested on whether this approach would encourage needed levels of refinery expansion and types of improvements.

It may also be that this problem can be addressed through a program of direct incentives to firms to make investments in certain kinds of refinery expansion and improvements. Possible applications of this proposal are to provide tax or entitlement credits to firms that increase their current desulphurization or unleaded gasoline capacity. We are interested in receiving specific comments as to whether we should develop a program of incentives for refiners who undertake to increase their capacity to produce unleaded gasoline, or who undertake to increase their capacity to process heavy crude oil or high sulfur crude oil. We also solicit comments on the level of refinery expansion and types of refinery improvements needed in the near and longer term, and whether these expansions need necessarily take place in the United States. We are also interested in receiving comments on the need for and probable effectiveness of such investment incentives, and the form which these incentives might take. In addition, comments are requested on the level of incentives required to stimulate such expansion and technological improvements.

We also request comments on possible incentives which would encourage the domestic refining industry to most efficiently utilize its capacity to refine crudes of varying sulfur content. More specifically, such a system might discourage a refiner who processes sweet crude (less than 0.5 percent sulfur at 9°) in a refinery capable of processing higher sulfur crudes. Such a system could encourage the efficient use of domestic sour crude refining capacity and reduce sweet crude oil imports. This could improve U.S. balance of payments to the extent that sweet crude now processed in larger refineries capable of processing sour crude becomes available to smaller independent refiners who are capable of processing sweet crude only, and now import higher cost sweet crude. Also, we invite your comments on the effects of such incentives and/or disincentives and the amount and type of

[1] The OMC idea was developed to a large extent by Federal Trade Commission staff. See the May 23, 1978, letter from Alfred F. Dougherty, Director of the Bureau of Competition, Federal Trade Commission to Senator Edward M. Kennedy, published in the Congressional Record, June 9, 1978, at S. 8949—S. 8954 (95th Cong., 2d sess.).

[2] Id.

incentive or disincentive that would accomplish this objective.

III. Public Hearing and Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views, or arguments with respect to the proposals set forth in this advance notice of proposed rulemaking. Comments should be submitted by 4:30 p.m., e.s.t., January 22, 1979, to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope and on the document with the designation: "Proposed Amendments to Small Refiner Bias." Fifteen copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearings

1. *Procedure for request to make oral presentation.* The times and places for the hearings are indicated in the "Dates" and "Addresses" sections of this preamble. If necessary to present all testimony, a hearing will be continued to 9:30 a.m. of the next business day following the first day of the hearing.

If you have any interest in the proposals in this notice, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make oral presentation by 4:30 p.m., e.s.t., December 29, 1978. You should be prepared to describe the interest concerned and, if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m., e.s.t., January 3, 1979, and will be required to submit 100 copies of your statement to the appropriate address indicated in the "Adresses" section of this preamble before 4:30 p.m., e.s.t. on January 15, 1979, for the Washington, D.C., hearing, and by 9:30 a.m. of the date of the hearing for the San Francisco hearing.

2. *Conduct of the hearings.* We reserve the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at each of the hearings. They will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at either of the hearings to the address indicated above for requests to speak before 4:30 p.m., e.s.t., January 4, 1979. If you wish to ask a question at a hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at a hearing, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of each of the hearings, including the transcripts, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of a hearing from the reporter.

As required by section 7(a)(1) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency ("EPA") for his comments concerning the impact of this proposal on the quality of the environment. The Administrator commented a follows:

> We would like to receive comment on whether the reduction of the level of benefits available to small refiners under the small refiner bias of the entitlements program will cause these refiners to either curtail unleaded gasoline production from existing facilities or adversely affect their plans to construct new unleaded gasoline production facilities. Until we possess this information we cannot assess the environmental impact of these regulations.
>
> We are interested in one of the alternatives to reducing the level of the bias, that of conditioning receipt of bias entitlements upon utilizing the entitlements to invest in capital improvements. In particular, we would like to see explored a program to supply bias entitlements (or alternatively provide direct incentives) for refiners who undertake to increase their unleaded gasoline production capacity. This would encourage refinery expansion and the production of unleaded gasoline for those late model year vehicles requiring unleaded fuel to protect emission controls.

The interests expressed by the EPA Administrator have also been covered in requests for comment elsewhere in this notice.

Executive Order 12044 (43 FR 12661, Mar. 24, 1978) requires that a regulatory analysis be prepared for all regulations which will result in "an annual effect on the economy of $100 million or more" or will result in "a major increase in costs or prices for individual industries, levels of government, or geopgraphic regions." The Administrator has determined that a regulatory analysis is required for these regulations, and a preliminary regulatory analysis of the principal proposal is available from the ERA Office of Public Information, Room B-110, 2000 M Street NW., Washington, D.C. 20461, telephone 202-634-2170. Interested parties are invited to submit written comments on the preliminary regulatory analysis to the address indicated in the "Addresses" section of this preamble.

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (Pub. L. 95-91), this proposal rule has been referred, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, part 211 of chapter II, title 10 of the Code of Federal Regulations, is proposed to be amended a set forth below.

Issued in Washington, D.C., November 14, 1978.

Hazel R. Rollins,
Deputy Administrator, Economic Regulatory Administration.

Section 211.67(e) is amended by revising subparagraph (1), by adding new subparagraphs (3) and (4), by redesignating subparagraph (3) to be subparagraph (5), and by adding a new subparagraph (6), to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(e) *Small refiner bias.* (1) In addition to the number of entitlements issuable under paragraph (a) of this section, subject to the limitations set forth in subparagraphs (2), (3), and (4) below, each small refiner shall be issued the following number of additional entitlements for each day of a particular month: (i) For each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 0 to 10,000 barrels in that month, each such refinery shall receive a number of entitlements equal to the number of barrels of such refinery's daily average volume of crude oil runs to stills for that month multiplied by a fraction, the numerator of which is $0.96, and the denominator of which is the entitlement price for that month; (ii) for each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 10,000 to 30,000 barrels in that month, each such refinery shall receive a number of entitlements equal to a fraction, the numerator of which is $9,600 plus $0.315 for each barrel by which such refinery's daily average volume of crude oil runs to stills exceeds 10,000 barrels for that month, and the denominator of which is the entitlement price for that month; (iii) for each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 30,000 to 50,000 barrels in that month, each such refinery shall receive a number of entitlements equal to a fraction, the numerator of which is $15,900 minus $0.095 for each barrel by which such refinery's daily average volume of crude oil runs to stills exceeds 30,000 barrels for that month, and the denominator of which is the entitlement price for that month; (iv) for each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 50,000 to 100,000 barrels in that month, each such refinery shall receive a number of entitlements equal to a fraction, the numerator of which is $14,000 minus $0.10 for each barrel by which such refinery's daily average volume of crude oil runs to stills exceeds 50,000 barrels for that month, and the denominator of which is the entitlement price for that month; (v) for each small refiner with respect to its refineries with a daily average volume of crude oil runs to stills of 100,000 to 175,000 barrels in that month, each such refinery shall receive a number of entitlements equal to a fraction, the numerator of which is $9,000 minus $0.12 for each barrel by which such refinery's daily average volume of crude oil runs to stills exceeds 100,000 barrels for that month, and the denominator of which is the entitlement price for that month.

* * * * *

(3) For purposes of these calculations, the daily average volume of a particular small refinery's crude oil runs to stills shall be computed as follows: The daily average volume of a small refiner's crude oil runs to stills (with respect to all of its refineries) shall be multiplied by a fraction, the numerator of which is the capacity of that particular small refinery as certified pursuant to subparagraph (a)(2) of this section, and the denominator of which is the capacity of that small refiner (with respect to all of its refineries) as certified pursuant to subparagraph (a)(2) of this section.

(4) For purposes of eligibility to receive the additional bias entitlements issuable to small refiners under subparagraph (e)(1) above, all small refiners are eligible for such additional bias entitlements with respect to refineries which were in operation on November 1, 1978. In addition, a small refiner shall be eligible for bias entitlements with respect to its refineries that have been determined by the ERA to be eligible for bias entitlements, by reason of that small refiner having expended or irrevocably committed itself to expend a significant portion of the capital expenditures required for a particular refinery by November 1, 1978. The ERA may also determine that a particular refinery which does not otherwise qualify for bias entitlements shall be eligible for bias entitlements if such refinery would be an economically viable facility, and would increase the Nation's capacity to process low gravity or high sulfur crude oil or further other important national energy objectives.

(5) Each small refiner shall separately identify in its reports filed pursuant to § 211.66(h) of this subpart any volumes of its crude oil runs to stills not eligible (under the provisions of paragraph (e)(2) of this section) for small refiner bias entitlements.

(6) Small refiners shall report shutdowns (by reason of either a mechanical failure or normal maintenance procedures) with respect to any of its refineries resulting in a fifty (50) percent or greater portion of that refiner's refinery capacity not having been operable for the duration of that month. In such instances, the ERA may make such adjustments to the calculations in subparagraph (1) as it deems necessary.

* * * * *

[FR Doc. 78-32620 Filed 11-16-78; 10:36 am]

[6450-01-M]

[10 CFR Part 580]

[Docket No. ERA-R-78-22]

PRIORITY FOR ESSENTIAL AGRICULTURAL USES OF NATURAL GAS

Proposed Rulemaking and Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is publishing for public comment a proposed rule protecting essential agricultural use from curtailment of natural gas deliveries by interstate pipelines as required by section 401 of the Natural Gas Policy Act of 1978 (NGPA). The proposed rule restricts interstate pipelines from curtailing "essential agricultural uses", as determined by the Secretary of Agriculture, except when necessary to meet the needs of other higher priority uses or when there is an alternate fuel available for that essential use. In accordance with section 403 of the NGPA, this proposed rule would be implemented by the Federal Energy Regulatory Commission (FERC) through revisions to current pipeline curtailment plans, although in the meantime this rule provides an immediate right to higher priority treatment for "essential agricultural uses." It is anticipated that, initially, only small adjustments will be required in presently effective curtailment plans to effectuate this rule.

DATES: Written comments by January 19, 1979, 4:30 p.m.; Requests to speak by December 27, 1978, 4:30 p.m., Public Hearing: January 10, 1979, 9:30 a.m.

ADDRESS: All comments to Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-78-22, 2000 M Street NW., Washington, D.C. 20461. Hearing location: Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Office of Public Hearing Management), Economic Regulatory Administration, 2000 M Street NW., Washington, D.C. 20461, 202-254-5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street NW., Room B110, Washington, D.C. 20461, 202-634-2170.

Albert F. Bass (Division of Natural Gas Regulations), Economic Regulatory Administration, 2000 M Street NW., Room 3308, 202-632-4721.

James K. White (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 6144, Washington, D.C. 20461, 202-566-9296.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of the Rule
III. Procedures for Comment and Hearing

I. Background

Section 401(a) of the Natural Gas Policy Act of 1978 (NGPA), which became law on November 9, 1978, directs the Secretary of Energy (the Secretary) to prescribe and make effective within 120 days after enactment (that is, by March 9, 1979) a rule to protect essential agricultural uses from curtailment of natural gas deliveries by interstate pipelines to the maximum extent practicable. The NGPA requires that such rule provide that interstate pipeline companies may curtail natural gas for essential agricultural uses only in the event that such gas is needed to protect higher priority uses as defined by the NGPA or if it is determined that an alternate fuel is economically practical and reasonably available.

The implementation of the NGPA's requirements involves action not only by the Secretary of Energy but also by the Secretary of Agriculture and the FERC. Section 401(c) directs the Secretary of Agriculture to certify to the Secretary of Energy and the FERC the natural gas requirements for essential agricultural uses. The FERC will, pursuant to section 401(b), determine whether or not it is "economically practicable" to use another fuel for an essential agricultural use and whether such alternative fuels are "reasonably available." The FERC is also charged under section 403(b) with general responsibility to implement the provisions of the Secretary's rule, through its authority to establish, review and enforce curtailments under the Natural Gas Act.

The Secretary of Energy is directed by section 403(a) of the NGPA to prescribe this rule "pursuant to his authority under the Department of Energy Organization Act to establish and review priorities for curtailments under the Natural Gas Act." The Secretary of Energy's responsibilities under this authority have been delegated, in DOE Delegation order No. 0204-4, to the Administrator of the Economic Regulatory Administration. Since the NGPA provides explicitly that this rule is to be issued pursuant to DOE's authorities under the Natural Gas Act and the DOE Act, rather than any new authority given by the NGPA, it will be referred to the FERC under the procedures established by section 404 of the DOE Act. A referral of this rule should not be interpreted as a determination that other actions taken under the NGPA or other recent energy legislation must be referred under section 404 of the DOE Act.

Currently, curtailment priorities for individual pipelines are established in curtailment plans which are part of the pipeline's tariff approved by the FERC. These plans differ in their details from pipeline to pipeline. However, in general they follow the type of end-use plan set forth by the Federal Power Commission in order No. 467-B, which in a general statement of policy, establishes nine general curtailment categories and their relative priority.

II. Discussion of the Rule

The proposed rule is a general rule, binding on all interstate pipeline companies, and would be effective immediately upon publication. The rule would provide that, "to the maximum extent practicable, no curtailment plan of an interstate pipeline may provide for curtailment of natural gas for any essential agricultural use," unless at least one of three conditions exists. The circumstances permitting curtailment of essential agricultural uses would be: (1) "Curtailment does not reduce the quantity of natural gas delivered for such use below the use requirement certified by the Secretary of Agriculture"; (2) "such curtailment is necessary to meet the requirements of high-priority users"; or (3) "the Federal Energy Regulatory Commission, in consultation with the Secretary of Agriculture, determines" that solar energy or another fuel (other than natural gas) "is economically practical" and "reasonably available" for that use.

The proposed rule defines "essential agricultural use" as that use of natural gas which the Secretary of Agriculture determines is necessary for full food and fiber production. "High priority user" is also defined, and includes persons who use natural gas in residences; small commercial establishments; schools, hospitals and similar institutions; minimum commercial and plant protections; sanitation; correctional facilities; and police and fire protection. In keeping with the policy illuminated in the "Joint Explanatory Statement of the Committee on Conference," the definition of "residence", which has been included in the highest priority category in order 467-B, only as single family and small multifamily units, would be expanded to include "apartment buildings and other multiunit high rise buildings used predominantly for residential purposes," provided they do not have existing alternate fuel (excluding solar energy) capability or access to alternate fuels. Similarly, schools, hospitals and similar institutions would be included in the high priority definition only if they do not have existing alternate fuel (excluding solar energy) capability or access to alternate fuels. This exclusion of apartment buildings, schools and hospitals having alternate fuel capability is not explicit in the NGPA, but is consistent with Congress' expressed intent to include in the high priority category only those uses essential to protection of life, health, and physical property, and is also consistent with Congress' priority treatment of essential agricultural uses, which explicitly excludes uses for which there is alternate fuel capability. We specifically invite your comments on whether this exclusion of apartment houses and other multiunit buildings and schools and hospitals with existing alternate fuel capabilities and access to adequate supplies of those fuels from the definition of high priority users should be changed.

The NGPA leaves to the discretion of the Secretary the determination of high priority uses other than those enumerated in the NGPA, provided they are uses the curtailment of which would endanger life, health, or maintenance of physical property. The proposed rule includes in the definition of high priority users those users who use natural gas for minimum commercial and plant protection at times when operations are shut down, correctional facilities, and police and fire protection. In the implementation of this proposed rule, the FERC would continue to exercise its authority on a case-by-case basis to provide for gas deliveries for other essential uses in an emergency, the curtailment of which deliveries would endanger life, health, or maintenance of physical property.

We do not intend in the proposal to determine any specific order of priority among the high priority uses defined in the Act (as further defined by the Secretary), but instead would allow the order of priority among such uses in current plans to remain in effect to the maximum extent practicable in conforming to the purposes of section 401 of the NGPA. In general, those uses defined as high priority uses would be moved ahead of essential agricultural uses in an interstate pipeline's curtailment plan, and those uses not within the definition of high priority uses would be placed below essential agricultural uses. However, it is expected that the relative order of priorities among the high priority uses and among the nonhigh priority uses would remain as they are in the firm's present curtailment plan.

An example of how these actions would work is provided below.

EXAMPLE OF A PRESENTLY EFFECTIVE PLAN

Priority 1: Residentail and small commercial (including hospital) requirements of less than 50 Mcf per peak day.

Priority 2: Commercial (including hospital) requirements of more than 50 Mcf per peak day, industrial requirements for plant protection, feedstock, and process needs and other industrial requirement of up to 300 Mcf per day; and pipeline customer storage injection requirements.

Priority 3: School requirements.

Priority 4: Industrial requirements in excess of 300 Mcf per peak day for other than plant protection, feedstock, process or boiler fuel uses.

To change the example plan to conform with this proposed rule, a new priority 4 for essential agricultural uses (certified by the Secretary of Agriculture) would be created to follow priority 3. An essential agricultural use which is also classified as a high priority use would retain that high priority status. In this example, commercial requirements in priority 2 which cannot be redefined as residential under the rule (for example, apartment houses with existing alternate fuel capabilities) would be moved out of priority 2 to a new priority 5, along with feedstock and process needs and other industrial requirements of up to 300 Mcf per day and pipeline customer storage injection needs. Priority 3 would remain as it is, and priority 4 would be renumbered priority 6. The resulting curtailment plans would be as follow:

EXAMPLE OF PLAN REVISED AFTER EFFECTIVENESS OF PROPOSED RULE

Priority 1: Residential and small commercial (including hospital) requirements of less than 50 Mcf per peak day.

Priority 2: Residential and hosptial requirements of more than 50 Mcf per peak day, provided there is no alternative fuel capability or no access to alternate fuels, and requirements for plant protection.

Priority 3: School requirements.

Priority 4: Essential agricultural uses.

Priority 5: Industrial requirements for feedstock and process needs and other industrial requirements of up to 300 Mcf per day; nonresidential commercial requirements and pipeline customer storage injection requirements.

Priority 6: Industrial requirements in excess of 300 Mcf per peak day for other than plant protection, feedstock, process or boiler fuel uses.

As can be seen from the example, it is possible for some nonagricultural uses that previously had the same priority level to have different levels under this proposed rule (for example, plant protection and feedstock uses previously had the same priority in the example, but after implementation of the proposed rule would have significantly different priorities). It is even possible under the proposed rule for the relative priorities of nonagricultural uses to be reversed (in the example, school requirements became high priority uses, while industrial feedstock uses dropped to a lower priority level. Such substantial shifts are unavoidable if the NGPA is to be implemented as Congress intended, but it is the purpose of the proposed rule to keep such changes in present curtailment plans to a minimum.

Today's proposed rule should be viewed in the context of the ERA's review of existing curtailment priority systems in order to fulfill the Secretary of Energy's responsibilities under the DOE Act to review and establish curtailment priorities. We are presently conducting economic and environmental studies as part of this review. A programmatic environmental impact statement on alternative natural curtailment options is being prepared and will be circulated for comment at the appropriate time. When our review is completed, the determination will be made whether, and to what extent, it is necessary to change national policy concerning natural gas usage and the existing priority plans of interstate pipelines which implement that policy.

Given the above considerations, a two-phased approach is proposed for implementing this rule on essential agricultural uses. As contemplated by the Act, the FERC will establish interim procedures to insure that immediate protection is provided for essential agricultural users of gas as certified by the Secretary of Agriculture and will in due course review revised curtailment plans to see that they reflect the requirements of this rule. Later, after DOE completes its review of the entire priority system, the FERC will institute procedures to conform all curtailment plans to any changes adopted by the Secretary or his designee.

III. COMMENT AND HEARING PROCEDURES

A. COMMENTS

You are invited to participate in this proceeding by submitting written data, views, or arguments with respect to the proposals set forth in this notice of proposed rulemaking to: Public Hearing Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-78-22, 2000 M Street NW., Washington, D.C. 20461. You may hand-deliver your comments to this room between 8 a.m. and 4:30 p.m., Monday through Friday; or you may mail your comments to the above address. You should submit 15 copies and should include on the first page of each comment, and any envelope, the docket number and the designation "Priority for Essential Agricultural Uses of Natural Gas." We will consider all comments received by 4:30 p.m., on January 19, 1979, and all other relevant information before taking further action on this matter.

Any information you consider to be confidential must be so identified and submitted in one copy only. We reserve the right to determine the confidential status of the information and to treat it according to our determination.

B. PUBLIC HEARINGS

1. *Procedures for request to make oral presentation.* The public hearing will begin at 9:30 a.m. on January 10, 1979, in Room 2105, 2000 M Street NW., Washington, D.C. 20461, and will be continued if necessary in the same location on the next day, beginning at 9:30 a.m. If you have any interest in this notice, or represent a person, group, or class of persons that has an interest, you may make a written request for an opportunity to make an oral presentation at the public hearing. Requests to speak should be directed to: Public Hearing Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-78-22, 2000 M Street NW., Washington, D.C. 20461, and must be received by 4:30 p.m. on December 27, 1978. You may hand-deliver your request to this room between 8 a.m. and 4:30 p.m., Monday through Friday; or you may mail your requests to the above address. The request, and the envelope, should include the docket number and the designation "Priority for Essential Agricultural Uses of Natural Gas."

In your request, you should briefly describe your interest; if appropriate, state why you are a proper representative of a group or class of persons having such interest; and give a concise summary of the proposed oral presentation and a phone number where we may contact you through January 9, 1979. If we select you to be heard, we will tell you before 4:30 p.m., local time, January 3, 1979. You must submit 100 copies of your hearing testimony to: Public Hearing Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-78-22, 2000 M Street NW., Washington, D.C. 20461, for receipt by 4:30 p.m., on January 9, 1979. You may hand-deliver your testimony to this room between 8 a.m. and 4:30 p.m., Monday through Friday; or you may mail it to the above address.

2. *Conduct of the hearing.* We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation, based on the number of persons requesting to be heard.

We will designate an ERA official to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only to those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral state-

ment will be given the opportunity, if he or she so desires, to make a rebuttal statement. Rebuttal statements will also be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to Public Hearing Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-78-22, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., January 8, 1979. The first page, and any envelope, should include the docket number and the designation "Priority for Essential Agricultural Uses of Natural Gas." If you wish to ask a question at the hearing, you may submit it in writing to the presiding officer. We will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing.

We will have a transcript made of the hearing, and we will retain the entire record of the hearing, including the transcript, and make it available for inspection at the Freedom of Information Office, Room GA152, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

We have determined that this proposal will not have a major impact as that term is defined in section VI of the proposed DOE directive issued April 25, 1978 (43 FR 18634, May 1, 1978) to implement Executive Order No. 12044, on improving government regulations, and therefore, no regulatory analysis pursuant to Executive Order No. 12044 is required.

Pursuant to the requirements of section 404 of the Department of Energy Organization Act (Pub. L. 95-91), upon issuance of this proposed rule, a copy of this notice will be referred to the Federal Energy Regulatory Commission for a determination, in its discretion, whether this proposed rule may significantly affect any function within the Commission's jurisdiction pursuant to section 402 (a)(1), (b), and (c)(1) of the Act. The Commission will have until January 19, 1979, the date the public comment period closes, to make this determination.

(Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009 (42 FR 46267); Natural Gas Policy Act of 1978.)

In consideration of the foregoing, Title 10 of the Code of Federal Regulations, is proposed to be amended by addition of part 580, set forth below, effective upon publication of the rule in the FEDERAL REGISTER.

Issued in Washington, D.C., November 16, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

Title 10 of the Code of Federal Regulations is amended by adding subchapter G consisting of part 580 to read as follows:

SUBCHAPTER G—NATURAL GAS (ECONOMIC REGULATORY ADMINISTRATION)

PART 580—PRIORITIES

Sec.
580.1 Definitions. [Reserved]
580.2 Priority for essential agricultural uses of natural gas.

AUTHORITY: Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009 (42 FR 46267); Natural Gas Policy Act of 1978.

§ 580.1 Definitions. [Reserved]

§ 580.2 Priority for essential agricultural uses of natural gas.

(a) *Authority and effective date.* This section implements section 401 of the Natural Gas Policy Act of 1978, Pub. L. 95——, and is issued pursuant to that Act and the Department of Energy Organization Act, Pub. L. 91-95 and in particular sections 301(b) and 402(a)(1)(E). This rule will be effective upon publication in the FEDERAL REGISTER.

(b) *General rule.* (1) Notwithstanding any other rule, regulation, or order of the Department of Energy, the Federal Energy Regulatory Commission or their predecessor agencies and to the maximum extent practicable, no curtailment plan of an interstate pipeline may provide for curtailment of natural gas for any essential agricultural use, unless—

(i) Such curtailment does not reduce the quantity of natural gas delivered for such use below the use requirement certified by the Secretary of Agriculture as necessary for full food and fiber production, pursuant to section 401(c), of the Natural Gas Policy Act of 1978; or

(ii) Such curtailment is necessary to meet the requirements of high-priority users; or

(iii) The Federal Energy Regulatory Commission, in consultation with the Secretary of Agriculture, determines, by rule or order, that use of solar energy or another fuel (other than natural gas) is economically practicable and that the fuel is reasonably available for the essential agricultural use:

(2) Notwithstanding section b(1), any essential agricultural use which also qualifies as a high-priority user shall remain a high-priority user.

(c) *Definitions.* For the purposes of this general rule, the following definitions apply:

(1) "Essential agricultural use" means any use of natural gas—

(i) For agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, or crop drying; or,

(ii) As a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food;

which the Secretary of Agriculture certifies to the Secretary of Energy and the Federal Energy Regulatory Commission as necessary for full food and fiber production.

(2) "High-priority user" means any person who—

(i) Uses natural gas in a residence including any apartment house or other multi-unit dwelling used primarily for residential purposes if that apartment house or other multi-unit dwelling does not have either existing alternate fuel (excluding solar energy) capability in place or access to adequate supplies of alternative fuels;

(ii) Uses natural gas in a commercial establishment in amounts of less than 50 Mcf on a peak day;

(iii) Uses natural gas in any school, hospital, or similar institution which does not have either existing alternate fuel (excluding solar energy) capability in place or access to adequate supplies of alternate fuels;

(iv) Uses natural gas for any other use, the curtailment of which would endanger life, health, or maintenance of physical property, including minimum commercial and plant protection (when operations are shut down), sanitation, correctional facilities, and police and fire protection.

(3) "Interstate pipeline" means any natural gas company, as defined in section 2(6) of the Natural Gas Act, which is engaged in the transportation by pipeline of natural gas.

(4) "Natural gas" means either natural gas unmixed, or any mixture of natural and artificial gas.

[FR Doc. 78-32810 Filed 11-21-78; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

NOVEMBER 15, 1978.

[12 CFR Parts 552 & 563b]

[No. 78-617]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendments Relating to Stock Option and Stock Purchase Plans

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed regulations.

SUMMARY: The proposed regulations would govern stock option, stock purchase, and similar plans offered by Federal stock-chartered savings and loan associations and other converted institutions. The Bank Board believes such regulations are necessary as part of its development of a body of rules pertaining to conversions.

DATE: Comments must be received by January 24, 1979.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT:

Douglas P Faucette, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, telephone 202-377-6410.

SUPPLEMENTARY INFORMATION: By Resolution No. 75-414, dated May 9, 1975, the Bank Board added a new part 552 to the rules and regulations for the Federal Savings and Loan System (12 CFR Part 552), which provided the beginnings of a regulatory framework for operation of federal stock charter associations. Additional regulations, governing such matters as adoption of stock option plans, were deferred until the number of such associations demonstrated a need for them. The Bank Board believes that the number of Federal stock associations now justifies promulgation of such regulations, and therefore proposes to add to Part 552 a new § 552.16, entitled "Stock option and purchase plans."

The proposed regulations require prior written approval of the Bank Board for every stock option or purchase plan except stock option plans conforming to requirements prescribed in proposed paragraph (b), which relate primarily to the nature of the options, duration of the plan, and restrictions on eligible participants. Several of these provisions were incorporated from former section 422 of the Internal Revenue Code governing qualified stock options. The Bank Board believes the requirements in proposed paragraph (b) would form equitable bases for such plans, and does not intend to liberally grant approvals under proposed paragraph (a) for differing plans without a compelling need. The proposed regulations also prescribe certain percentage limitations and voting procedures for stock ownership plans.

The Bank Board believes that improper stock plans could have significant adverse impact on newly converted associations. It therefore also proposes to amend § 563b.3 of the rules and regulations of the Federal savings and Loan Insurance Corporation (12 CFR 563b.3) by adding a provision which would apply proposed § 552.16 to all converted insured associations for 3 years after conversion.

Accordingly, the Bank Board hereby proposes to amend parts 552 and 563b as stated below.

1. Amend part 552 by adding thereto a new § 552.16, to read as follows:

PART 552—STOCK ASSOCIATIONS

§ 552.16 Stock option and purchase plans.

(a) *General.* A Charter S association shall not adopt anystock option, ownership, purchase, or similar plan without prior written approval of the Board, except that such approval need not be obtained for any stock option plan which meets the requirements of paragraph (b) of this section. A Charter S association shall not make any contributions, purchase any shares, or issue any options under any existing plan unless such plan meets the requirements of paragraph (b) of this section or was other wise approved in writing by the Board. Plans at substantial variance with said requirements will not be approved for a period of 3 years following applicant's conversion; no plan will be approved at any time which would tend to frustrate the purposes of part 563b of this chapter. Approval of any plan under this section shall constitute approval of the form of any securities issued thereunder.

(b) *Requirements as to stock option plans.* A plan shall be deemed approved under this paragraph if it provides that:

(1) It may be amended, suspended, or terminated at the discretion of the board of directors;

(2) It is administered by a committee of at least three members all of whom are directors of the association, are not salaried emloyees, and are not eligible to participate in the plan;

(3) The total number of shares covered by options eligible to be granted under the proposed plan, together with the shares covered by all other options granted (whether or not yet exercised) or eligible to be granted in the previous 3 years (if still eligible), do not exceed 10 percent of the association's outstanding shares;

(4) The options are nontransferable (other than by inheritance);

(5) No employee is eligible to receive any options which, if exercised, would result in his holding beneficially or of record in excess of 5 percent of the outstanding voting stock of the association;

(6) The option price is not less than the fair market value of the underlying stock at the time of the grant;

(7) The options are granted within 10 years of the date of adoption of the plan and expire within 5 years after they are granted; and

(8) There is reasonable allocation of shares to each participant in relation to the association's personnel and managerial resources.

(c) *Nonconforming plans.* The Board will not approve a plan if it finds that it does not substantially incorporate requirements which provide that:

(1) The total number of shares that may be purchased when aggregated with the number of shares purchased under any other stock purchase plan will not exceed 10 percent of the association's outstanding stock.

(2) No employee participating in the plan holds beneficially or of record over 5 percent of the outstanding voting stock or value of all classes of stock of the association or its subsidiary or parent.

(3) The voting rights for all association stock purchased with an employee's contribution pass through to the beneficiary immediately and the voting rights for all association stock purchased with the association's contribution pass through at the time that the rights to the stock vest in the beneficiary or 3 years from the date of purchase, whichever occurs first.

(d) *Application form.* An application for approval of adoption of a nonconforming plan shall be in a form prescribed by the Board's Office of the General Counsel.

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

2. Amend § 563b.3 of part 563b by adding a new paragraph (j), to read as follows:

§ 563b.3 General principles for conversions.

* * * * *

(j) No converted association shall adopt, for a period of 3 years after conversion, a stock option or purchase plan which does not meet the requirements of § 552.16 of this chapter.

Sec. 105, Pub. L. 93-495, October 28, 1974; secs. 402, 403, 407 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726 1730; Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR. Doc.78-32736 Filed 11-21-78; 8.45 am]

[1505-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 302]

DEVELOPMENT AND REVIEW OF FDIC RULES AND REGULATIONS

Correction

In FR Doc. 78-32118 appearing at page 53042 in the issue of Wednesday, November 15, 1978, make the following changes:

1. On page 53043, third column, in paragraph (a) of § 302.1, first line, "propose" should be corrected to read "purpose".

2. On page 53044, first column, in paragraph (b) of § 302.2, in the second line, "and-or" should be corrected to read "and/or".

3. On page 53044, first column, in paragraph (f) of § 302.2, the fourth line, "regulations" should be corrected to read "regulation".

4. On page 53044, second column, in paragraph (h)(1) of § 302.2, first line, "regulations" should be corrected to read "regulation".

5. On page 53044, second column, in paragraph (h)(2) of § 302.2, "for" should be corrected to read "of".

[6320-01-M]

CIVIL AERONAUTICS BOARD

[14 CFR Part 213]

[EDR-368; Docket 34052,]

TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

NOVEMBER 16, 1978

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board proposes to amend its regulations to remove the mandatory 30-day waiting period for effectiveness of orders requiring foreign air carriers to discontinue operation of existing schedules. This proposal would allow the United States more flexibility to respond to the actions of foreign governments that restrict the operating rights of U.S. carriers.

DATES: Comments by: December 22, 1978. Reply comments by: January 8, 1979.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the service list by: December 4, 1978.

Docket section prepares the service list and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to docket 34052, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in room 711, Civil Aeronautics Board, as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Joseph Di Bella, Civil Aeronautics Board, Bureau of International Aviation, Legal Division, 1825 Connecticut Ave. NW., Washington, D.C. 20428, 202-673-5035.

SUPPLEMENTARY INFORMATION: Section 213.3 of the Board's Economic Regulations (14 CFR § 213.3) authorizes the Board to issue orders requiring foreign scheduled air carriers to file existing and proposed schedules [1] and, subsequently, to issue orders disapproving such schedules in whole or part. Orders requiring a foreign air carrier to file schedules ("Phase I" orders) [2] are usually a response to an action by the foreign air carrier's home government that restricts U.S. carriers, or denies them equal competitive opportunities, in contravention of a bilateral air transport agreement between the two countries, or of reciprocal operating rights where there is no agreement. In the event that the conditions that prompted the Phase I order continue, the Board may issue a second ("Phase II") order disapproving the carrier's schedules as contrary to applicable law or as adversely affecting the public interest, subject to stay or disapproval by the President within 10 days of the adoption. The foreign air carrier has 30 days from the date the Phase II order is issued to discontinue existing schedules that have been disapproved.[3]

[1] "Such schedules shall contain all schedules of aircraft which are or will be operated by such carrier between each pair of points set forth in the order, the type of equipment used or to be used, the time of arrival and departure at each point, the frequency of each schedule, and the effective date of any proposed schedule." Part 213.3(b).

[2] The carrier must file existing schedules in 7 days, and must file proposed schedules at least 30 days before they will take effect.

[3] Phase II orders prohibiting a foreign carrier fron inaugurating proposed schedules are operative immediately. However, as a Phase I order to file proposed schedules requires 30 days notice of any such schedules, the carrier requires advance Board approval to file its schedules less than 30 days prior to their effective date. In order to provide greater flexibility in this area, we have delegated authority to the Director, Bureau of International Aviation, to approve the filing of proposed schedules on short notice as circumstances warrant. (OR-132; 43 FR 40803, Sept. 13, 1978.)

Experience has shown that the mandatory 30 day period is too inflexible to permit the United States to respond effectively to the actions of foreign governments that deny U.S. air carriers their operating rights. Frequently, this country has been unable to act promptly enough to deter actions of foreign governments that caused irreparable economic harm to U.S. air carriers, because of this unnecessarily inflexible provision. In other cases, where the impact on the U.S. carriers was not so critical, a longer time period for implementation of Phase II orders would have been desirable to allow sufficient time for negotiation and resolution of a bilateral dispute. We propose to amend section 213.3 to enable us, in the Phase II order, to vary the date for discontinuance of existing schedules, depending upon the circumstances of each case.

Accordingly, the Board proposes to amend 14 CFR Part 213, Terms, Conditions, and Limitations of Foreign Air Carrier Permits, as follows:

Paragraph (d) of § 213.3 would be amended to read:

§ 213.3 Filing and approval of schedules.

* * * * *

(d) The carrier may continue to operate existing schedules, and may inaugurate operations under proposed schedules 30 days after the filing of such schedules with the Board, unless the Board with or without hearing issues an order, subject to stay or disapproval by the President of the United States within 10 days after adoption, notifying the carrier that such operations or any part of them, may be contrary to applicable law or may adversely affect the public interest. If the notification pertains to a proposed schedule, service under such schedule shall not be inaugurated; if the notification pertains to existing schedules, service under such schedules shall be discontinued on the date specified in the Board's order.

* * * * *

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32813 Filed 11-21-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, DISABILITY, DEPENDENTS' AND SURVIVORS' INSURANCE BENEFITS

Proposed Rulemaking

Correction

In FR Doc. 78-31909, appearing at page 52936 in the issue of Tuesday, November 14, 1978, the comment date in the first column on page 52936 should read "January 15, 1979" instead of "December 14, 1978."

[8320-01-M]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS' EDUCATION

Buying Back of Entitlement

AGENCY: Veterans' Administration.

ACTION: Proposed regulation.

SUMMARY: The proposed regulation sets forth a procedure for allowing eligible veterans to buy back the entitlement used to receive educational assistance during breaks between terms, quarters or semesters, and to use the entitlement gained to receive educational assistance for another term, quarter, or semester. This proposal puts in regulatory form established Veterans Administration policy.

DATES: Comments must be received on or before December 22, 1978. It is proposed to make this amendment affective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until January 2, 1979.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: Section 21.1041, title 38, Code of Federal Regulations is amended to provide a way for veterans to buy back entitlement used to receive educational assistance under Chapter 34, Title 38, United States Code, during intervals between terms, quarters or semesters. This will enable such veterans to receive educational assistance for an additional term, quarter or semester.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until January 2, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: November 15, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 21.1041, paragraph (d)(4) is added to read as follows:

§ 21.1041 Periods of entitlement.

* * * * *

(d) *Extension.* * * *

(4) A veteran may elect to reimburse the Veterans Administration for educational assistance paid to him or her for one or more intervals between terms, quarters or semesters and have entitlement restored for as many intervals as necessary to allow payment of educational assistance for one additional term, quarter or semester through an extension. Before the veteran can reimburse the Veterans Administration and receive additional educational assistance, all of the following conditions must be met:

(i) Payment for the interval or intervals must have been made without specific request from the student;

(ii) The payment checks for the interval or intervals must have been negotiated;

(iii) The election is to the advantage of the veteran;

(iv) The veteran has not previously made such an election; reimbursed the Veterans Administration; and received an extension. Entitlement for intervals must be repurchased sequentially beginning with the most recent interval for which payment was made without the student's request. (38 U.S.C. 1661).

[FR Doc. 78-32756 Filed 11-21-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[CC Docket No. 78-331]

PROTECTION OF THE NATIONAL DEFENSE AND SECURITY

Telephone Network; Registration Requirements of Equipment and Systems; Extension of Time

AGENCY: Federal Communications Commission.

ACTION: Extension of time to file comments and reply comments.

SUMMARY: An extension of time is granted to file comments and reply comments to a proposed rulemaking concerning the registration requirements of equipment and systems connected to the telephone network. The proposal before the FCC concerns exceptions to protect the national defense and security as well as other appropriate exceptions.

DATES: Comments must be received on or before December 8, 1978 and reply comments must be received on or before January 12, 1979.

ADDRESSES: Send comments and reply comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Eliot J. Greenwald, Common Carrier Bureau, telephone 202-632-5550.

SUPPLEMENTARY INFORMATION: In the matter of amendment of part 68 of the rules to provide for certain exceptions required to protect the national defense and security as well as other appropriate exceptions; Order extending time to file comments and reply comments. See also 43 FR 49020, October 20, 1978.

Adopted: November 16, 1978.

Released: November 17, 1978.

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, is a motion filed by the Utilities Telecommunications Council (UTC) and the Central Committee on Telecommunications Facilities of the American Petroleum Institute (API) on November 9, 1978. UTC and API request an extension of time from November 17, 1978 until December 8, 1978 to file comments addressing whether interconnection under the so-called "right-of-way" provisions or "hazardous or inaccessible location"

provisions of American Telephone & Telegraph Co.'s (A.T. & T.) tariff FCC 263 should be given special treatment under part 68 of the Commission's rules.

2. Normally, the Commission is reluctant to grant extensions of time. Such extensions can often interfere with the orderly conduct of Commission business. However, in this particular instance, it appears that UTC and API have been diligent in obtaining responses from their memberships and that they need additional time to prepare cogent comments for the Commission. We find that it is in the public interest to develop a complete record of the issues pertaining to the above-referenced docket. Thus, an extension of time would be appropriate and would not unduly delay this proceeding.

3. In view of the foregoing, *it is ordered*, pursuant to delegated authority under § 0.303 of the Commission's rules, 47 CFR 0.303, That the time to file comments is extended from November 17, 1978 until December 8, 1978, and the time to file reply comments is extended from December 19, 1978 until January 12, 1979.

JACK D. SMITH,
Acting Chief,
Common Carrier Bureau.

[FR Doc. 78-32814 Filed 11-21-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PLANT VARIETY PROTECTION BOARD

Meeting

Pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Plant Variety Protection Board established under the Plant Variety Protection Act (7 U.S.C. 2327):

Name: Plant Variety Protection Board.

Time and date: 9:30 a.m., December 12 and 13, 1978.

Place: Room 3109, South Agriculture Building, 1400 Independence Avenue SW., Washington, D.C. 20250.

Status: The first part of the meeting will be open to the public; the second part will be closed.

Matters to be considered: Open portion: The agenda for this part of the meeting will consist of: (1) A progress report from the Plant Variety Protection Office, (2) comments, questions, and suggestions from members of the Board, and (3) public comments and questions, as determined by the Chairman.

Closed portion: This part of the meeting will involve consideration by the Board of the Commissioner's decision to reject an application for plant variety protection and to advise the Secretary whether to uphold the Commissioner's decision or reject it, in whole or in part. Review of this application in closed session is required to maintain the confidentiality of the application and its contents as required in section 56 of the act (7 U.S.C. 2426), and is permitted pursuant to the authority in section 10(d) of the Federal Advisory Committee Act and section 552b(c)(3) of the Administrative Procedure Act (5 U.S.C. 552b).

CONTACT PERSON FOR MORE INFORMATION:

Bernard M. Leese, Executive Secretary, 301-344-2518.

Dated: November 17, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-32741 Filed 11-21-78; 8:45 am]

[3410-02-M]

Federal Grain Inspection Service

OFFICIAL AGENCY DESIGNATION

Cancellation of Cedar Rapids Chamber of Commerce Grain Service, Inc.—Official Designation of Cedar Rapids Grain Service, Inc.—Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the cancellation of designation of the Cedar Rapids Chamber of Commerce Grain Service, Inc., Cedar Rapids, Iowa, and the designation of the Cedar Rapids Grain Service, Inc., owned by Mr. Florian E. Polaski, as an official agency at Cedar Rapids, Iowa, to perform grain inspection services under the U.S. Grain Standards Act, as amended, effective September 15, 1978. This notice also proposes a geographic area within which the agency will operate.

DATE: Comments by December 22, 1978.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 201 14th Street SW., Room 2405, Auditors Building, Washington, D.C. 20250, 202-447-8525.

SUPPLEMENTARY INFORMATION: The U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq.) (hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

On July 28, 1978, a notice was published in the FEDERAL REGISTER (43 FR 32842) announcing that: (1) The Cedar Rapids Chamber of Commerce Grain Service, Inc. (Chamber of Commerce), requested that its designation as an official inspection agency be transferred to Mr. Florian E. Polaski, the chief inspector of the Chamber of Commerce; and (2) Mr. Florian E. Polaski applied for designation in accordance with section 7(f)(1) of the Act (7 U.S.C. 79(f)(1)), to operate as an official agency at Cedar Rapids, Iowa, to be known as the Cedar Rapids Grain Service, Inc.

Interested persons were given until August 28, 1978, to submit written views and comments with respect to the requested transfer of designation and/or to apply for designation to operate as an official agency at Cedar Rapids, Iowa. No comments were received regarding the July 28, 1978, notice. No additional applications were received, other than the application from Mr. Polaski.

FGIS has conducted the required investigation of the Cedar Rapids Grain Service, Inc., which included an onsite review of the inspection point at Cedar Rapids.

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79 (f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

As a result of this investigation and after due consideration of the request for transfer, the Cedar Rapids Grain Service, Inc., owned by Mr. Florian E. Polaski, was deemed eligible for designation, and was designated under the Act to perform official inspection functions (other than appeal inspection), not including official weighing, and the designation of the Cedar Rapids Chamber of Commerce was canceled, effective September 15, 1978.

A document designating the Cedar Rapids Grain Service, Inc., as an official agency was signed on September 15, 1978. Said designation also includes an interim assignment of geographic area within which the official agency shall officially inspect grain. The geographic area assigned to the Cedar Rapids Grain Service, Inc., on an interim basis pending final determination in this matter is:

Bounded on the north by: The north Blackhawk County line from V49 east; the Buchanan County line east; the eastern Buchanan County line south;

the northern Linn County line east; the Jones County line east;

Bounded on the east by: The eastern Jones County line south; the Cedar County line south to State Route 130;

Bounded on the south by: State Route 130 west to State Route 38; State Route 38 south to Interstate 80; Interstate 80 west to U.S. Route 63; and

Bounded on the west by: U.S. Route 63 north to State Route 8; State Route 8 east to State Route 21; State Route 21 north to D38; D38 east to State Route 297; State Route 297 north to V49; V49 north to Bremer County.

Interested persons may obtain a map of the proposed geographic area from the Compliance Division, Delegation and Designation Branch.

The three specified service points of the Cedar Rapids Grain Service, Inc., are all located within Cedar Rapids, Iowa, and within the agency's proposed geographic area. A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no licensed inspector is located. The designation document provides for the inclusion of additional specified service points and service locations which may be established in the future, within the agency's assigned geographic area.

Publication of this notice does not preclude future amendment of this designation, consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to the Cedar Rapids Grain Service, Inc. All views or comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 201 14th Street SW., Room 2405, Auditors Building, Washington, D.C. 20250. All materials submitted should be mailed to the Director not later than December 22, 1978. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made with respect to this matter.

(Sec. 4, Pub. L. 94-582, 90 Stat. 2868 (7 U.S.C. 75a); sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note).)

Done in Washington, D.C., on November 16, 1978.

L. E. BARTELT,
Administrator.

[FR Doc. 78-32734 Filed 11-21-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Order 78-11-87, Docket No. 34051]

CHARTER AUTHORITY OF CANADIAN FOREIGN AIR CARRIERS

Statement of Tentative Findings and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of November, 1978.

For more than 7 years the Canadian Air Transport Committee (ATC) has imposed various restrictions on U.S. carriers' charter operations into Northwest Ontario. In December 1970, the ATC amended the licenses of approximately 200 U.S. air taxis to permit only two stops on each flight into Northwest Ontario, one at a Canadian Customs Port of Entry (a technical stop) and the other at the licensed base of a Canadian charter air carrier.[1] The ATC alleged the restrictions were necessary to protect the area from "irreparable ecological damage and much diminished wildlife reserves." Notwithstanding these concerns, the ATC did not impose similar restrictions on the transborder operatons of the Canadian charter carriers.[2] As a result, the Canadian carriers gained a significant competitive advantage over the U.S. air taxis in that they alone were authorized by both governments to operate services from U.S points to the wilderness areas of Northwest Ontario.

In April 1971, after the ATC refused to suspend the restrictions pending consultations, the Board issued a show cause order (71-4170) proposing to impose similar restrictions on five Canadian carriers based in Northwest Ontario.[3] Soon after, the ATC modified the restrictions to allow the U.S. air taxis to deplane passengers "* * * at either a resort, camp, or outpost operated by a person duly licensed for such purpose by the Government of the Province of Ontario * * *." At the same time, the ATC added a condition requiring "* * * on each flight out of [Northwest Ontario] * * *, a stop at a Canadian Customs Port of Entry or at the licensed base of a Canadian charter air carrier where officers of the Ontario Ministry of Natural Resources may be available to make such inspection as they consider desirable." Since the modified restrictions appeared more acceptable to the affected U.S. air taxis, the Board's show cause order was not finalized.

On May 8, 1974 the Governments of the United States and Canada signed a Noncheduled Air Services Agreement (Agreement). Notwithstanding that Article XIV of the Agreement expressly prohibits either government from discriminating against the carriers of the other government, the ATC stated that it would continue to include the restrictions in all charter permits issued to U.S. carriers. By diplomatic note dated October 17, 1974, the U.S. Government protested to the Canadian Government that by continuing to restrict U.S. carriers' charter operations the Canadian authorities were violating Article XIV of the Agreement. The Canadian Government replied by diplomatic note dated December 4, 1974, stating that the restrictions were not contrary to Article XIV because "* * * it will apply to all U.S. carriers * * *." Since 1974 all charter licenses issued to U.S. carriers under the Agreement have contained the revised restrictions.

In the intervening years, the U.S. carriers most directly affected by these restrictions have experienced significant decreases in their transborder traffic.[4] The additional inspection stop they are required to make on leaving Northwest Ontario causes a substantial burden in terms of flight time and fuel costs, and is an inconvenience to the passengers. In the meantime, the Canadian carriers have continued to operate transorder flights to all points in Ontario without restriction. Moreover, the Canadian carriers are not required to stop for fish and game inspection on their return flights from Northwest Ontario, as the

[1] The restriction applied to the area west of a line drawn due north from Blind River, Ontario (46°11' North Latitude, 82°58' West Longitude) and extending to the border between Ontario and Manitoba.

[2] Prior to the restrictions and pursuant to a 1952 informal agreement beteen the Board and its Canadian counterpart, air taxi/small aircraft operators of both countries were granted authority to perform noncheduled transborder operations on the basis of reciprocity. Under this arrangement, U.S. air taxis and Canadian small aircraft operators freely competed to carry sportspersons from U.S. points to the remote areas in Northwest Ontario.

[3] Canadian Voyageur Airlines, Ltd., Ignace Airways, Ltd., Lac La Croix Quetico Air Services, Ltd., Ontario Central Airlines, Ltd., and Parsons Airways, Ltd. were selected because they were the primary Canadian carriers operating charter transborder flights to the affected area.

[4] The U.S. carriers most directly affected by the Canadian restrictions are approximately eight air taxis based in northern Minnesota.

U.S. carriers are required to do, even though are both carrying U.S. sportspersons. The Ontario Ministry of Natural Resources has stated that the reason Canadian carriers are not required to stop for inspection is because they are inspected thoroughly by U.S. Customs upon entering the United States. In fact, U.S. Customs inspects thoroughly all aircraft entering the United States, including U.S.-registered aircraft, and confiscates all fish and game in excess of that allowed by Canadian law. There appears, therefor, to be of no valid reason for the ATC to treat the U.S. carriers differently from the Canadian carriers.

By diplomatic note dated January 18, 1978, the U.S. Government again informed the Canadian Government that the restrictions on U.S. carriers' operations into Northwest Ontario were clearly discriminatory and in violation of Article XIV of the Ageement. It stated that if the Canadian Government did not remove the restrictions, "it may be necessary for the United States authorities to consider actions consistent with paragraph D of section V of Annex A of the Agreement to restore equality of treatment with regard to transborder flights by the airlines of both our countries."[5] More than 8 months have elapsed without a satisfactory response from the Canadian Government.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes that:

1. The ATC's unilteral restrictions on U.S. carriers' charter operations to and from Northwest Ontario are discriminatory and in violation of Article XIV of the Agreement.[6]

2. The Canadian carriers' charter permits issued under the Agreement should be amended to impose restrictions on their authority similar to those imposed on the U.S. carriers, so as to restore equality of treatment for the U.S. carriers as provided for by paragraph D of section V of Annex A to the Agreement.[7]

3. It is in the public interest to amend the foreign air carrier permits held by the said Canadian carriers.

Accordingly, 1. We direct the Canadian carriers listed in the appendix and any other interested persons, to show cause why the Board should not make final its tentative findings and conclusions and why it should not amend, subject to the disapproval of the President, the Canadian carriers' foreign air carrier permits issued under the Agreement and authorizing transborder charter operations, so as to incorporate the following conditions:

The holder shall not engage in the carriage of persons in foreign air transportation between the United States and Canada to or from a point in Ontario, west of a line drawn due North from Blind River, Ontario (46°11' North Latitude, 82°58' West Longitude) and extending to the border between Ontario and Manitoba, which is not a resort, camp, or outpost operated by a person duly licensed for such purpose by the Government of the Province of Ontario, nor the licensed base of Canadian charter air carrier nor a Canadian Customs port of entry; and is required on each flight out of the restricted area to make a stop at a Canadian Customs port of entry or at the licensed base of a Canadian charter air carrier where officers of the Ontario Ministry of Natural Resources may be available to make such inspection as they consider desirable, and shall have available on its aircraft for inspection by the U.S. authorities satisfactory evidence that it has complied with these conditions; *Provided, however,* That the above prohibition shall not apply to flights performed for purposes of medical evacuation, or other similar emergency situations; and *Provided, further* That, when the circumstances warrant, the Board may, upon application by the holder, waive all or any part of these restrictions; and *Provided, further* That the holder shall clearly notify in writing all persons who contract for the holder's services of the limitations imposed on its operations.

2. We direct any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and the amendment of the permits held by the said Canadian carriers to file with the Board and serve upon the persons named in paragraph 5, no later than December 8, 1978, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the statement of objections. If an oral hearing is requested, we ask the objector to state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. In the event no objections are filed, further consideration will be deemed to have been waived and we may proceed to enter an order in accordance with our tenative findings and conclusions set forth here;

4. If timely and properly supported objections are filed, we will give further consideration to the matters and issues raised by the objector before we take further action; *Provided,* That we may proceed to enter an order in accordance with our tentative findings and conclusions set forth in the order if we determine that there are no factual issues present that warrant the holding of an oral hearing;[8]

5. We shall serve a copy of this order upon the Canadian carriers listed in the appendix; the Ambassador of Canada in Washington, D.C.; the United States Departments of State, Transportation, and Treasury; and the Minnesota Department of Transportation.

We shall publish this order in the FEDERAL REGISTER and shall transmit it to the President.[9]

By the Civil Aeronautics Board:[10]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32785 Filed 11-21-78; 8:45 am]

[5] Paragraph D states: Each Contracting Party recognizes that for ecological reasons it may be necessary to place restrictions or bans within its territory on certain on certain nonscheduled air services, such as float plane flights to and from wilderness lakes. If such restrictions or bans are applied to the international traffic of carriers of the Contracting Party to and from the ultimate destinations of the traffic in the affected area, that other Contracting Party may impose such conditions on the carriers of the other Contracting Party placing the restrictions or bans as may be necessary to ensure equality of treatment with respect to such traffic.

[6] The Canadian authorities have contended their actions were made necessary in order to preserve the ecology of the area. We do not question the right of the Canadian Government to restrict access to wilderness areas, if it considers this to be in its national interest. We believe, however, that whenever it becomes necessary to protect the ecology of an area, this can be accomplished in a manner which does not discriminate against the air carriers of either country or their traffic.

[7] At such time as the Canadian authorities take action to restore equality of treatment for the U.S. carriers, we will promptly remove the restrictions on the Canadian carriers. The Canadian carriers currently holding charter permits issued under the Agreement are listed in the attached appendix.

[8] Since provision is made for the filing of objections to this order, we will not entertain petitions for reconsideration.

[9] Appendix filed as part of the original document.

[10] All Members concurred.

[6320-01-M]

AIRLINE DEREGULATION ACT OF 1978

Applicability to Cases Pending at Time of Enactment

The Airline Deregulation Act of 1978, Pub. L. 95-504, became law on October 24, 1978. It amended the Federal Aviation Act of 1958 and made substantial changes in policy and procedure which could affect the outcome of pending cases, especially those involving applications for new route authority. The Board is issuing this policy statement to inform all interest-

ed persons of our intention to apply those sections of the new law which were effective immediately to all cases still pending at the time of its enactment.

The Deregulation Act substantially amends section 102 of the Federal Aviation Act, the Declaration of Policy; it changes the statutory definition of the "public convenience and necessity" to include such factors as "maximum reliance on competitive market forces and on actual and potential competition", the "encouragement of air service at major urban areas through secondary or satellite airports" and the "encouragement of entry * * * by new air carriers. * * *" Also of great significance to pending route cases is the amendment to section 401(d) of the Act, which creates the presumption that any application for certificate authority is consistent with the public convenience and necessity and places upon the opponent of any such application "the burden of showing that such air transportation in not consistent with the public convenience and necessity."

The original Senate bill provided that virtually all the substantive amendments to the Act were not to become effective until January 1, 1979. The final conference version, however, made the new Act effective on the date of enactment, except for a few sections which are explicitly indicated.[1] Given the strong language in the Declaration of Policy and the change in the originally contemplated effective date, we feel that Congress intended us to begin applying the new statutory goals immediately.

Application of new legislation to pending adjudications is fully in accord with established legal principles. The Supreme Court many years ago established the general rule of law that an appellate court "must decide according to existing laws. * * *"[2] That rule was recently reaffirmed and clarified by the Court in *Bradley* v. *School Board of the City of Richmond*.[3] It held that, when Congress passes a law affecting pending litigation and is silent or ambiguous on the issue of retrospective application, the new law shall be applied to all such litigation, unless to do so would result in manifest injustice.

The Court identified three areas on which the inquiry into the possible injustice of retrospective application should focus. They are: "* * * (a) the nature and identity of the parties, (b) the nature of their rights and (c) the nature of the impact of the change in law upon those rights."[4] The first test is concerned with "mere private cases between individuals," which the court found were the most dangerous in which to apply a change in law. Such is not the case here—we are dealing here with vital issues of public transportation policy. The second factor reflects the Court's concern that application of the change in law will not serve to defeat any vested or unconditional individual rights. Applicants in pending CAB cases do not have any such vested rights in a given outcome; rather they are entitled to a fair hearing under the current governing statute. The last prong of the test seeks to insure that no "new and unanticipated obligations may be imposed upon a party without notice or an opportunity to be heard."[5]

Although our proposed course of action will result in somewhat different evidentiary burdens upon the parties, we find that this is not the sort of "unanticipated obligation" which the Court held would rise to the level of "manifest injustice". All parties will be given time and opportunity to meet the new statutory requirements; no one will be closed out for failure to anticipate the new law.

The *Bradley* rule has been applied not only to litigation pending in court on the effective date of the new statute, but also to pending judicial review of administrative decisions.[6] The courts there ordered the agencies to apply the new statute on remand. Thus, we find a clear judicial mandate for application of the amended statute.

We intend to develop procedures on a case-by-case basis which will fully safeguard the due process rights of all parties and afford them ample opportunity to be heard. The administrative law judges should apply the applicable sections of the Deregulation Act to all cases pending before them and may call for such procedures as may be necessary to safeguard the rights of the parties. We do, however, discourage the judges from completely rehearing those cases which are already in an advanced procedual stage, especially as expedition is one of the goals of the new Act. The Board will take review of all proceedings in which an initial decision has already been issued. We intend to accept briefs and any other material necessary to evaluate the effect the change of law might have on that individual case. (In cases which have already been fully briefed to the Board, we may invite the submission of written evidence immediately, or issue a tentative decision and allow the parties to comment on the applicability of the Act before final decison).

All parties are therefore on notice that those sections of the Airline Deregulation Act of 1978 which, by their terms, became effective on the President's signature, will immediately be applied to all cases pending before the Board. Parties will have full opportunity to comment on the effect this change might have on their individual interests.

This notice will be published in the FEDERAL REGISTER.

Dated: November 16, 1978.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32682 Filed 11-21-78; 8:45 am]

[1] For example, the new Act requires the Board to choose the method of processing certificate applications within 90 days after the application is filed (60 days in the case of an applicant for restriction removal), and establishes deadlines for decision for these categories of application. These deadlines, however, apply only to applications filed on or after the 180th day after the date of enactment. See § 7(b) of the Airline Deregulation Act.

[2] *United States* v. *Schooner Peggy*, 5 U.S. (1 Cranch) 102 (1801).

[3] 416 U.S. 696 (1974).

[4] 416 U.S. at 717.

[5] 696 U.S. at 720.

[6] *Cort* v. *Ash*, 422 U.S 66 (1975); *Potomac Electric Power Company* v. *U.S. & I.C.C.*, C.A.D.C., No. 77-1494, August 2, 1978, slip opinion.

[6320-01-M]

[Order 78-11-86; Docket No. 31703]

QUEBECAIR

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November, 1978.

QUEBECAIR is the holder of a foreign air carrier permit [1] authorizing: charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

By application filed on November 17, 1977,[2] QUEBECAIR requests, either by amendment of its current permit or issuance of a new permit, authority to provide:

(a) Charter foreign air transportation of persons and their accompanying baggage between 20 named European countries [3] and any point or points in the United States, limited to charter flights originating in one of the named European countries; and

[1] Order 74-12-19, approved November 27, 1974.

[2] A copy of the application was transmitted to the President pursuant to section 801 of the Act.

[3] Austria, Belgium, Cyprus, Denmark, Finland, Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, and Yugoslavia.

(b) Inbound or outbound legs of charter flights, including circle tour charter flights, of persons and their accompanying baggage between these same 20 named European countries and any point or points in the United States, subject to a requirement that QUEBECAIR shall not perform such a charter flight unless the Board shall specifically authorize it.

On April 14, 1978, QUEBECAIR motioned to have its application processed by show cause procedures. No answers to QUEBECAIR's application or motion have been filed.

In support of its application QUEBECAIR states, among other things, that the grant of such authority would be in the public interest,[4] and should be granted on the basis of comity and reciprocity;[5] that the Canadian Government maintains a liberal policy with respect to third-country originating Fifth Freedom charter flights by U.S. carriers;[6] that during the first 11 months of 1977 the Canadian Government approved 75 out of 78 requests by U.S. carriers to operate Canadian-originating Fifth Freedom charters;[7] and that it is willing to accept a tariff condition in its permit.[8]

As for its request to operate inbound or outbound legs of charter flights, including circle tour charter flights, QUEBECAIR states that it is seeking this authority to provide these services, for example, when other carriers experience mechanical or other emergency situations; that it has been approached by other carriers approximately 12 times per year to provide such flights;[9] and that it is willing to accept a condition that such flights shall not be operated unless the Board grants specific authority.[10]

In granting QUEBECAIR its existing charter authority to the United States, the Board found that the carrier was substantially owned and effectively controlled by the citizens of Canada, that it was financially and operationally fit, and that it was in the public interest to grant the carrier charter authority to the United States.[11] QUEBECAIR's application indicates that no changes in its corporate structure or operations have occurred which would cast doubt upon the continued accuracy of the Board's previous findings.

In view of the foregoing and all the facts of record, we tentatively find and conclude that:

1. QUEBECAIR is substantially owned and effectively controlled by citizens of Canada;

2. It is in the public interest to issue a foreign air carrier permit to be effective for a period of 5 years in the form of the attached specimen to QUEBECAIR, authorizing charter foreign air transportation of persons and their accompanying baggage;[12]

3. The public interest requires that the exercise of the privileges granted by such permit shall be subject to the terms, conditions, and limitations contained in the specimen permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board;

4. QUEBECAIR is fit, willing, and able properly to perform the above-described foreign air transportation, and to conform to the provisions of the Act and the rules, regualtions, and requirements of the Board:

5. An oral hearing is not required in the public interest;[13]

6. Except to the extent granted, the application of QUEBECAIR in Docket 31703 should be denied; and

7. The issuance to QUEBECAIR of the proposed foreign air carrier permit is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in § 313.4(a)(1) of the Board's regulations.[14]

Accordingly,

1. We direct interested persons to show cause why the Board should not make final its tentative findings and conclusions and, subject to the disapproval of the President under section 801 of the Act, issue a foreign air carrier permit in the form of the attached specimen to QUEBECAIR;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and issuing the permit shall file with the Board and serve on the persons named in paragraph 5, no later than December 1, 1978, a statement of objections specifying the part or parts objected to, and include a summary of testimony, statistical data, and concrete evidence to be relied upon in support of the objections. If an oral hearing is requested, to objector should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleading;

3. If timely and properly supported objections are filed, we will give further consideration to the matters and issues raised by the objections before we take further action; *Provided*, That we may proceed to enter an order in accordance with our tentative findings and conclusions set forth in the order if we determine that there are no factual issues present that warrant the holding of an oral hearing;[15]

4. In the event no objections are filed, we will waive all further procedural steps and the Secretary shall enter an order which shall make final the Board's tentative findings and conclusions set forth in this order, and, subject to the disapproval of the President within 60 days, shall issue a for-

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[4] The Board found that the grant of similar requests by Wardair Canada (1975), Ltd. and Pacific Western Airlines, Ltd. (Orders 76-1-28 and 77-6-80) was in the public interest.

[5] The type of authority requested is not covered under the U.S.-Canada Nonscheduled Air Service Agreement dated May 8, 1974.

[6] In the first eleven months of 1977, the Canadian authorities approved all 88 applications filed by U.S. carriers to operate ABC, Affinity and Entity charters from third countries into Canada. The record in 1976 was 127 approved and 13 denied; in 1975, 74 approved and 1 denied; and in 1974, all 54 approved. U.S. carriers must receive specific approval for all foreign-origin Fifth Freedom charter flights.

[7] In 1976, the Canadian authorities approved 84 applications by U.S. carriers and denied 39; in 1975, 69 approved and 9 denied; and in 1974, 121 approved and 4 denied. U.S. carriers must receive specific approval for all Canadian-origin Fifth Freedom charter flights.

[8] The carrier states that it would not commence any service under this authorization "except pursuant to an initial tariff setting forth rates, fares, and charges no lower than rates, fares or charges that are in effect for any supplemental air carrier in the same foreign air transportation."

[9] The carrier has been in a position to operate such flights approximately four or fives times per year.

[10] The Board would determine if the flights were required in the public interest, and would grant authority either by Statement of Authorization, regulation, order, or otherwise.

[11] See order 74-11-154, approved by the President on November 27, 1974.

[12] We will not grant the applicant's request for a permit provision to operate, with the Board's prior approval, inbound or outbound legs of charter flights, including circle tour charter flights, because such operations may, in any event, be promptly authorized by the Board. Amended section 416(b) of Public Law 95-504, effective October 24, 1978, authorizes us to grant exemptions to foreign air carriers to the extent substitute service operations are sought to be provided to or from points not authorized in this permit. The procedures under § 214.9a of our Economic Regulations allow us to authorize substitute service on behalf of another direct air carrier from the authorized European points.

[13] Any interested persons having objections to the issuance of an order making final the Board's tentative findings and conclusions and issuing the attached permit, shall be allowed 14 days from the date of service of this order to respond.

[14] Our tentative finding is based upon the fact that the proposed permit will not result in any significant change in the level of service at any United States point.

[15] Since provision is made for the filing of objections to this order, we will not entertain petitions for reconsideraton.

eign air carrier to the applicant in the specimen form attached; and

5. We shall serve this order upon QUEBECAIR; the Ambassador of Canada in Washington, D.C.; and the United States Departments of State and Transportaton.

We shall publish this order in the FEDERAL REGISTER and shall transmit it to the President.

By the Civil Aeronautics Board. [16]

PHYLLIS T. KAYLOR,
Secretary.

(Specimen Permit)

PERMIT TO FOREIGN AIR CARRIER

QUEBECAIR

is authorized, subject to the following provisions, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations of the Board, to engage in charter foreign air transportation of persons and their accompanying baggage, as follows:

Between a point or points in Austria, Belgium, Cyprus, Denmark, Finland, Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, and Yugoslavia, and any point or points in the United States, limited to charter flights which originate in a named European country.

This permit shall be subject to the following terms, conditions, and limitations:

(1) The initial tariff filed by the holder shall not set forth rates, fares, and charges lower than those then in effect for any U.S. air carrier in the same foreign air transportation; *However,* This limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

(2) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(3) The authority of the holder to exercise the privileges granted by this permit shall be subject to Part 214 of the Board's Economic Regulations, other regulations of the Baord governing tours or charters, and all amendments and revisions adopted by the Board.

(4) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(5) The holder shall not operate any aircraft under the authority granted by this permit, unless the holder complies with the operational safety requirements at least equivalent to Annex 6 of the Chicago Convention.

(6) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportaion now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(7) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(8) The holder (a) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit and uless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (b) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(9) By accepting this pemit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

(10) The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required be the public interest as may be prescribed by the Board.

This permit shall be effective on ———— , and shall terminate five years thereafter: *Provided, however,* That if during the period this permit shall be effective, the operation of the foreign air transporttion here authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties, then this permit is continued in effect during the period provided in such treaty, convention, or agreement.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on ————.

Secretary.

[FR Doc. 78-32781 Filed 11-21-78; 8:45 am]

[16] All members concurred.

[6320-01-M]

[Order 78-11-85; Docket No. 31989]

TRANSPORTES AEREOS BOLIVIANOS

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

BACKGROUND

On January 16, 1978, the Board received an application from Transportes Aereos Bolivianos for a foreign air carrier permit to provide nonscheduled cargo service between a point or points in Bolivia; in the intermediate points Lima, Peru; Caracas, Venezuela; Panama City, Panama; and the coterminal points Miami, Fla., and Houston, Tex.[1] The permit would also allow the holder to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed in Part 212 of the Board's Economic Regulations.

On July 31 and August 3, 1978, we received the additional supporting information we had requested in order to process the application. The application was amended by letter dated October 2, 1978.

OWNERSHIP AND CONTROL

Transportes Aereos Bolivianos was incorporated under the laws of the Republic of Bolivia on November 7, 1977, as a Bolivian Government corporation to engage in the air transportation of passengers, cargo and mail in both domestic and international services. All of its stock is owned by the Government of Bolivia. Its headquarters are in La Paz, Bolivia. The Bolivian Ministry of Transportation has jurisdiction over and responsibility for the management of Transportes Aereos Bolivianos. The officers and directors of the company are native Bolivians; the directors are required to be members of the Bolivian Air Force. Based on the foregoing, we tentatively conclude that Transportes Aereos Bolivianos is 100 percent owned and effectively controlled by nationals of Bolivia.

FINANCIAL AND OPERATIONAL FITNESS

Transportes Aereos Bolivianos submitted unaudited financial statements for its first full six months of operations. Its total assets were $20.1 million as of June 30, 1978.[2] Its profit for the first six months of 1978 was $149,236. The applicant states that none of the company's stock has been given as collateral to purchase aircraft or to secure advancement of loans. The company owns two Hercules C-130s and its long-term indebtedness for these aircraft totals $20,000,000. It plans to operate approximately 24 charter flights during the first year of

[1] On January 13, 1978, the Department of State forwarded to us a diplomatic note from the Embassy of Bolivia referring to the U.S.-Bolivia Air Transport Agreement and stating that Bolivia grants U.S. carriers reciprocal rights. The application from the carrier was dated December 28, 1977.

[2] The company's Balance Sheet and Profit and Loss Statement from January 1 to June 30, 1978, are shown in Exhibit 3 of the application.

operations, 12 of which will be off-route and 12 on-route. In support of its application for a 402 permit, the applicant states that its operating authority has never been revoked, suspended or canceled, and that it has had no accidents. It has performed about 20 international cargo charter flights since November 1977.

Based on the applicant's statements, we tentatively find that Transportes Aereos Bolivianos meets the fitness requirements of section 402 of the Act.

PUBLIC INTEREST

The applicant states that the policy of the Bolivian Government is to encourage the development of air transportation, since Bolivia is a landlocked country, and seeks to encourage scheduled, nonscheduled and supplemental air services by international carriers as a means of promoting commerce and tourism. On the basis of reciprocity and comity, we tentatively find that it is in the public interest to issue a foreign air carrier permit to Transportes Aereos Bolivianos.

No answers to Transportes Aereos Bolivianos' application have been received.

On the basis of the foregoing and all the facts of record, we tentatively find and conclude that:

1. It is in the public interest to issue a foreign air carrier permit to Transportes Aereos Bolivianos for a period of 5 years in the specimen form attached;

2. The public interest requires that the exercise of the privileges granted by the permit shall be subject to the terms, conditions, and limitations contained in the specimen permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board;

3. Transportes Aereos Bolivianos is fit, willing and able properly to perform the transportation described in the specimen permit, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board;

4. The public interest does not require an oral evidentiary hearing on the application; [3]

5. The issuance of a foreign air carrier permit to Transportes Aereos Bolivianos would not constitute a "major Federal Action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 and would not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in § 313.4(a)(1) of the Board's regulations; [4] and

6. Except to the extent granted, the application of Transportes Aereos Bolivianos in Docket 31989 should be denied.

Accordingly,

1. We direct all interested persons to show cause why the Board should not (1) make final its tentative findings and conclusions; and (2) issue a foreign air carrier permit to Transportes Aereos Bolivianos in the specimen form attached, subject to the disapproval of the President pursuant to section 801 of the Act;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and issuing the attached specimen permit shall, no later than December 4, 1978, file with the Board and serve on the persons named in paragraph 5, a statement of objections specifying the part or parts of the findings and conclusions objected to, together with a summary of testimony, statistical data, and concrete evidence expected to be relied upon in support of the objections. If an oral evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, we will give consideration to the matters and issues raised by the objections before we take further action: *Provided*, That we may proceed to enter an order in accordance with our tentative findings and conclusions set forth in this order, if we determine that there are no factual issues present that warrant the holding of an oral evidentiary hearing; [5]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Secretary shall enter an order which (1) shall make final our tentative findings and conclusions set forth in this order, and (2) subject to the disapproval of the President pursuant to section 801 of the Act, shall issue a foreign air carrier permit to the applicant in the specimen form attached; and

5. We are serving a copy of this order upon Transportes Aereos Bolivianos, the Embassy of Bolivia in Washington, D.C., and the Departments of State and Transportation.

We shall publish this order in the FEDERAL REGISTER and shall transmit a copy to the President of the United States.

By the Civil Aeronautics Board: [6]

PHYLLIS T. KAYLOR,
Secretary.

(Specimen Permit)

PERMIT TO FOREIGN AIR CARRIER

TRANSPORTES AEREOS BOLIVIANOS

is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations of the Board, to engage in foreign air transportation of property as follows:

Between a point or points in Bolivia; the intermediate points Lima, Peru; Caracas, Venezuela; Panama City, Panama; and the coterminal points Miami, Fla. and Houston, Tex.

The authority granted above shall be subject to the condition that the holder shall not engage in scheduled foreign air transportation under the terms of this permit.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed in Part 212 of the Board's Economic Regulations.

The holder shall not operate any aircraft under the authority granted by this permit, unless the holder complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Bolivia for Bolivian international air service.

The initial tariff filed by the holder shall not set forth rates, fares and charges lower than those that may be in effect for any U.S air carrier in the same foreign air transportation; *However*, This limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Bolivia shall be parties.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder shall not provide foreign air transportation under this permit unless (1) there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and (2) there is in effect minimum liability insurance coverage for bodily injury to or death of cargo handlers

[3] Any interested persons having objections to the issuance of an order making final the Board's tentative findings and conclusions, and issuing the attached permit, shall be allowed 15 days in which to respond from the date of service of this order. Answers to objections shall be filed no later than 10 days thereafter.

[4] Our tentative findings are based upon the fact that the proposed operations will consume 3,200,000 gallons of fuel yearly, and that the environmental impact will be *de minimis*.

[5] Since provision is made for filing of objections to this order, petitions for reconsideration will not be entertained.

[6] All members concurred.

in the amount of $75,000 per cargo handler, and (3) there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the insurance provided under (1) and (2) above. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

By accepting this permit, the holder waives any right it may possess to assert any defense of soverign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

This permit shall be effective on ————, 1978, and shall continue in effect for a period of five of years except that if, during the five-year period, the operation of the foreign air transportation authorized becomes the subject of any treaty, convention, or agreement to which the United States of America and the Government of Bolivia are or shall become parties, this permit is continued in effect during the period provided in such treaty, convention, or agreement.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on ————.

Secretary.

[FR Doc. 78-32784 Filed 11-21-78; 8:45 am]

[6320-01-M]

[Docket Nos. 32528 and 32574; Order No. 78-11-54]

UNITED AIR LINES, INC., AND BRANIFF AIRWAYS, INC.

Applications for Amendments of Certificates of Public Convenience and Necessity; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November, 1978.

In the matter of application of United Air Lines, Inc., for amendments of its certificate of public convenience and necessity for Route 1 (Docket No. 32528), and application of Braniff Airways, Inc., for amendment of its certificate of public convenience and necessity for Route 9 (Docket No. 32574).

On April 24, 1978, United Airlines applied to amend its certificate for Route 1 to authorize it to carry local traffic on nonstop flights between Kansas City, Mo., on the one hand, and Chicago and Denver, on the other.[1] On the same date, United petitioned for an order to show cause why we should not grant this authority.

Answers in opposition to United's petition were filed by Braniff, Continental, Frontier, North Central, Northwest, and TWA.[2] Four of the objectors propose to waive their objections if we also grant them unrestricted authority in certain markets. Braniff has applied to remove its one-stop restriction (at Oklahoma city) in the Kansas City-Denver market so as to give it nonstop authority.[3] Frontier has no objection to United's carriage of local traffic on existing flights between Kansas City and Denver.[4] If, however, we propose to grant United unrestricted nonstop authority, Frontier requests that we also propose to remove its long-haul restriction in the Kansas City-Denver market and its one-stop restrictions in the Las Vegas-Omaha/Lincoln markets. Continental asks us to remove its long-haul restrictions in the Chicago-Kansas City/Denver markets, if we grant United's application.[5] TWA suggests that if we remove United's restriction in the Denver-Kansas City market, we also remove its similar restriction.

We tentatively conclude on the basis of the tentative findings below, that is is consistent with the public convenience and necessity to remove (1) Braniff's one-stop restriction in the Kansas City-Denver market, (2) Frontier's long-haul restriction in the Kansas City-Denver market,[6] (3) Continental's restrictions in the Kansas City-Chicago/Denver markets; [7] and (4) TWA's single-plane restriction between Kansas City and Denver.[8] We also tentatively conclude that there are no disputes concerning material determinative facts requiring resolution in an oral evidentiary hearing. We therefore tentatively determine that such a hearing is not necessary in this proceeding.

We will dimiss United's application as moot. Section 16 of the Airline Deregulation Act of 1978 (section 401(e) of the Federal Aviation Act of 1958, as amended) nullifies existing closed-door restrictions. Consequently, it is not necessary for us to grant United's request.

The statute compels the removal of United's closed-door restriction, but not the removal of the other carriers' restrictions. We find, however, that the removal of the restrictions on the other carriers conforms to our long-established policy of removing operating restrictions in the absence of an affirmative showing that their retention is required [9] and is consistent with the Declaration of Policy of the Airline Deregulation Act of 1978 (section 102(a) of the Federal Aviation Act, as amended), which stresses reliance on competitive market forces and on actual and potential competition to promote an efficient and responsive air transportation system.[10] Our proposed action will make possible more efficient and flexible operations for the carriers and new service benefits for the public. Even if not all of the carriers utilize their increased operating flexibility, their mere presence on the edge of the market constitutes potential competition which can help to spur the incumbents to provide service at the optimal price/quality mix. Moreover, no carrier has argued that

[1] Condition (9) of Route 1 of United's certificate states: "The holder shall not engage in local air transportation between Kansas City, Mo., on the one hand, and Denver, Colo., or Chicago, Ill., on the other hand."

[2] We will grant TWA's motion to file a late-filed answer.

[3] Docket No. 32574. It also moved to consolidate its application into this proceeding. Braniff's stop restriction is a result of a segment junction on Route 9.

[4] United operates one daily round trip over the segment. OAG, Nov. 1, 1978.

[5] By Order No. 78-7-91, July 21, 1978 (Docket No. 28857), we proposed to realine Continental's Route 29, by among other things, giving it a general long-haul restriction in the Kansas City-Chicago market.

[6] The Las Vegas-Omaha/Lincoln markets are not in issue here; therefore, we will not deal with Frontier's restriction. It is free, of course, to apply in a separate docket for removal of the restriction.

[7] We have recently proposed a modified long-haul restriction for Continental in the Kansas City-Chicago market. See Order No. 78-7-91, July 21, 1978, in response to Continental's route realinement application, Docket No. 28857. Our proposal here would preempt that proposal and would require a corresponding change in the final realinement order. Moreover, were we instituting our realinement program now under the new policy guidelines of the Act, we would have developed more liberal guidelines.

[8] We further tentatively find that Braniff, Continental, Frontier, and TWA are each citizens of the United States withing the meaning of the Act and are fit, willing and able to perform the air transportation proposed here. We also tentatively find that our action is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 or a "major regulatory action" requiring an energy statement under Part 313 of our Procedural Regulations.

[9] See, e.g. Order 78-8-192, August 31, 1978, p. 5.

[10] The Declaration of Policy reads, in part:

"Sec. 102. (a) In the exercise and performance of its powers and duties under this Act with respect to interstate * * * air transportation, the Board shall consider the following among other things, as being in the public interest and in accordance with the public convenience and necessity: * * *

(4) The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation system, and (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital. * * *

(9) The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services."

the grant of the proposed authority will threaten its ability to perform its certificate obligations or will necessarily result in the termination of essential services that would not be replaced by other carriers.

We will give interested persons 30 days from the date of service of this order to show cause why the tentative findings and conclusions stated here should not be made final. We expect such persons to support their objections, if any, with detailed answers specifically reciting the the tentative findings and conclusions to which they object. If an oral evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary, and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague or unsupported objections. Answers should be filed within 10 days after the date for filing objections.

Accordingly, 1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated here and amending (1) Braniff's certificate for Route 9 so as to authorize nonstop transportation between Kansas City and Denver; (2) Continental's certificate for Route 29 so as to delete condition (6); (3) Frontier's certificate for Route 73, so as to delete the long-haul restriction on flights between Denver and Kansas City; and (4) TWA's certificate for Route 2 so as to delete condition (19);

2. We dismiss United's application in Docket No. 32528 as moot;

3. We grant Braniff Airways' motion (Docket No. 32574) to consolidate its application into Docket No. 32528;

4. We grant TWA's motion to file a late-filed answer;

5. We direct any interested person having objection to the issuance of an order making final the proposed findings or conclusions made here to file with us no later than December 18, 1978, and serve upon all persons listed in paragraph 9, a statement of objections together with a summary of testimony, statistical data, and other evidence relied upon to support the stated objections;[11] answers will be due no later than December 28, 1978;

6. If timely and properly supported objections are filed, we will fully consider the matters and issues raised by the objections before we take further action;

7. In the event no objections are filed, we will deem all further procedural steps to have been waived and we may proceed to enter an order in accordance with the tentative findings and conclusions stated here;

8. For purposes of computing license fees, we direct each carrier to estimate its annual gross transport revenue increase, for the first full year of operations, resulting from the modified authority tentatively granted by this order; and

9. A copy of this order shall be served upon the Mayors of the cities of Chicago, Denver, and Kansas City, the directors of O'Hare Field, Stapleton International Airport, Kansas City International Airport, the Governors of the States of Illinois, Colorado, Kansas, and Missouri, the heads of the Departments of Transportation of the States of Illinois, Colorado, Kansas, and Missouri, and on a Braniff Airways, Continental Air Lines, Frontier Airlines, TWA, and United Air Lines.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32783 Filed 11-21-78; 8:45 am]

[11] Since we have provided for the filing of objections, we will not entertain petitions for reconsideration of the show cause order.

[12] All members concurred.

[6320-01-M]

[Order 78-11-53; Docket Nos. 34040 and 33635]

WESTERN AIR LINES, INC., AND SOUTHERN AIRWAYS, INC.

Amendments of Certificates; Order To Show Cause

In the matter of application of Western Air Lines, Inc., for amendment of its certificate of public convenience and necesssity for Route 19 (Docket 34040), and application of Southern Airways, Inc. for amendment of its certificate for Route 98 (Docket 33635).

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of November 1978.

By an Order To Show Cause (78-8-192), August 31, 1978, we proposed to remove various restrictions on the certificates of eight carriers [1] so as to grant them unrestricted authority to operate between Miami and Ft. Lauderdale.[2] On September 11, Western filed a petition for reconsideration of Order 78-8-192, requesting that we also amend its certificate by redesigning the hyphenated points Miami-Ft. Lauderdale as coterminals. On October 6, Southern also petitioned for reconsideration of the Order, seeking to coterminalize these points on its certificate for Route 98. It is also filed an application and a petition for an order to show cause why it should not be granted this authority.

These requests are totally consistent with actions we have proposed to take in Orders 78-8-192 and 78-9-148. In addition, our redesignation of these hyphentated points conforms with the intent of section 16 of the Airline Deregulation Act of 1978 (section 401(e) of the Federal Aviation Act of 1958, as amended). That section nullifies all "closed-door" restrictions. Although hyphenations of points technically are not defined as closed-door restrictions by the Act, both have the effect of preventing the carriage of local traffic between two points. Accordingly, we tentatively conclude that it is consistent with the public convenience and necessity to make the hyphenated Miami-Ft. Lauderdale points coterminals on segment 5 of Western's Route 19, and segment 2(b)(i) of Southern's route 98.[3] We also tentatively conclude that there are no disputes of material determinative facts requiring an oral evidentiary hearing.

As we have said in the orders cited above, we also find that the proposed amendments conform with our policy of removing operating restrictions in the absence of an affirmative showing that their retention is required. The coterminalization of Miami and Ft. Lauderdale will afford increased scheduling and operating flexibility for both carriers.

We will give interested persons 30 days following the date of service of this order to show cause why our tentative findings and conclusions should not be made final.[4] We expect their objections to be supported by detailed economic or legal arguments. If the objector requests an oral evidentiary hearing, he should state, in detail, why such a hearing is necessary and what relevant and material facts will be established in written pleadings. We will not entertain general, vague or unsup-

[1] Braniff, Continental, Delta, Eastern, National, Northwest, TWA, and United.

[2] In addition, by Order 78-9-148, September 29, 1978, we proposed to coterminalize these points on the new segments we proposed to add to the certificates of Piedmont and Southern.

[3] We tentatively conclude that Western and Southern are citizens of the United States within the meaning of the Act and are fit, willing and able to perform the air transportation proposed here. In addition, we do not anticipate that our proposed action will result in any substantial increase in air carrier operations at either point, and we therefore tentatively find that it is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, nor a "major regulatory action" requiring an energy statement under Part 313 of our Procedural Regulations.

[4] Western requested that we propose to give it local Miami-Ft. Lauderdale rights by amending Order 78-8-192 and allowing the dates set for objections (October 6) and answers to objections (October 16) to remain the same. We believe the better practice, in terms of notice to all interested parties and in terms of administrative orderliness, is to issue a separate show-cause order for Western.

ported objections. We direct that answers be filed within 10 days after the date of filing objections.

Accordingly, 1. We direct all interested persons to show cause why we should not issue on order making final the tentative findings and conclusions stated here and amending Western's certificate for Route 19 so as to redesignate the hyphenated Miami-Ft. Lauderdale points on segments 5 as coterminals; and Southern's certificate for Route 98 so as to redesignate the hyphenated Miami-Ft. Lauderdale points on segment 2(b)(i) as coterminals;

2. We order any interested persons objecting to the issuance of an order making final the proposed findings and conclusions and certificate amendments set forth here, to, no later than December 18, 1978, file with us and serve upon all persons listed in paragraph 7 a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support its objections; answers to objections shall be filed no later than December 28, 1978;

3. If timely and properly supported objections are filed; we will fully consider the issues raised before we take further action; [5]

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and we may proceed to enter an order in accordance with the tentative findings and conclusions stated here;

5. For purposes of computing license fees, we direct Western and Southern to estimate their annual gross transport revenue increase, for the first full year of operations, resulting from the modified authority tentatively granted by this order;

6. To the extent we have not granted them here, we will deny the petitions for reconsideration of Western and Southern; and

7. We will serve a copy of this order upon: the Mayor of the City of Ft. Lauderdale; Metropolitan Dade County; the directors of the Broward County Aviation Division, Dade County Aviation Department and the Greater Miami Traffic Association; the Chief, Bureau of Aviation, Department of Transportation, Tallahassee, Florida, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Piedmont Aviation, Southern Airways, Trans World Airlines, United Air Lines, and Western Air Lines.

We will publish this order in the FEDERAL REGISTER.

[5] Since we have provided for the filing of objections, we will not entertain petitions for reconsideration of the show-cause order.

By the Civil Aeronautics Board.[6]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32782 Filed 11-21-78; 8:45 am]

[6] All members concurred.

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

REGIONAL ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference of the Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee Advisory Committees (SAC's) of the Commission will convene at 9 a.m. on December 14, 1978, and will end at 12 noon, on December 15, 1978, in the Stadium Hotel, 450 Capitol Avenue, Atlanta, Ga. 30312.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue NE., Atlanta, Ga. 30303.

The purpose of this meeting is to discuss program planning for fiscal years 1980 and 1981.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., November 16, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-32751 Filed 11-21-78; 8:45 am]

[6335-01-M]

REGIONAL ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming Advisory Committees (SAC's) of the Commission will convene at 9 a.m., and will end at 5 p.m., on December 8, 1978, in the Executive Tower, Suite 1700, 1405 Curtis Street, Denver, Colo. 80202.

Persons wishing to attend this open meeting should contact the committee chairperson, or the Rocky Mountain Regional Office of the Commission, 1405 Curtis Street, Suite 1700, Denver, Colo. 80202.

The purpose of this meeting is to discuss program planning in Rocky Mountain region through fiscal year 1981. Meeting will be attended by chairs or designates of six SAC's in region VIII.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., November 16, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-32752 Filed 11-21-78; 8:45 am]

[6335-01-M]

WEST VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the West Virginia Advisory Committee (SAC) of the Commission will convene at 1 p.m., and will end at 5 p.m., on December 6, 1978, in the West Virginia Human Rights Commission, Conference Room, 1036 Quarrier Street, Charleston, W. Va. 25305.

Persons wishing to attend this open meeting should contact the committee chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss civil rights issues within West Virginia.

This meeting will be conducted pursuant to the provisions of the rules and rugulations of the Commission.

Dated at Washington, D.C. November 16, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-32753 Filed 11-21-78; 8:45 am]

[6335-01-M]

WISCONSIN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wisconsin Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 12 noon on December 19, 1978, 517 East Wisconsin Avenue Room 398, Milwaukee, Wis.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32d Floor, Chicago, Ill.60604.

The purpose of this meeting is to review and discuss Vocational Educational Project Data.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., November 16, 1978.

JOHN I. BINKLEY
Advisory Committee Management Officer.

[FR Doc. 78-32754 Filed 11-21-78; 8:45 am]

[3510-20-M]

DEPARTMENT OF COMMERCE

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

Pursuant to section 10 (a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Wednesday, December 6, 1978 from 9 a.m. until 5 p.m. and on Thursday, December 7, 1978 from 9 a.m. until 12 o'clock noon in the AOML Conference Room, National Oceanic and Atmospheric Administration, 15 Rickenbacker Causeway, Miami, Fla.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community.

Tentative agenda items include:

1. Discussion of DoC and STI Policies.
2. Discussion of Panel on Human Resources and Industrial Innovation.
3. Domestic Policy Review of Industrial Innovation.
4. Cooperative Technology Program.
5. Report on the Study of Federal Policy on Entrepreneurship of Technology-Based Industries.
6. Overview of Atlantic Oceanographic and Meteorological Laboratory (AOML).
7. Overview of Southeast Fisheries Center.
8. Briefing: Hurricane Center.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of minutes and materials distributed will be made available for reproduction following certification by the Chairman, in accordance with the Federal Advisory Committee Act, in Room 3867, U.S. Department of Commerce, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Administrator, Room 3867, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-5065.

Dated: November 8, 1978.

JORDAN J. BARUCH,
Assistant Secretary of Commerce for Science and Technology.

[FR Doc. 78-32716 Filed 11-21-78; 8:45 am]

[3510-60-M]

National Telecommunications and Information Administration

ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL

Partially Closed Meeting

The Electromagnetic Radiation Management Advisory Council will meet from 9 a.m. to 5:30 p.m. on December 7 in Room 543, 1800 G Street NW., Washington, D.C.

The Council advises the Secretary of Commerce on the biological effects of radiowaves and other forms of electromagnetic radiation. It was originally established in 1968 in the Executive Office of the President. The Council reports to the Secretary through NTIA's Administrator, the Assistant Secretary for Communications and Information.

The agenda will include (1) discussion of candidates for membership on the Council, and (2) discussions of ERMAC recommended program guidelines, priorities and resource requirements.

Agenda item (1) will involve discussion of personnel information the public disclosure of which would constitute a clearly unwarranted invasion of personal privacy. With respect to this aganda item, therefore, the Assistant Secretary for Administration, with concurrence from General Counsel, formally determined on November 15, 1978, that this item should be exempt from the provisions of Federal Advisory Committee Act relating to open meetings and public participation therein, because these items will be concerned with matters listed in 5 U.S.C. 552b(c)(6), the Government in the Sunshine Act of 1976. (A copy of the determination is available for public inspection and copying.) Agenda item (2) from 10:30 a.m. to 5:30 p.m. will be open to public attendance. Oral questions and comments will be allowed, time permitting. Written questions and comments may be submitted before or after the meeting. Public seating will be available on a first-come, first-served basis. Copies of the minutes will be provided upon request when available.

Inquiries may be addressed to the Committee Control Officer, Mr. Robert Frazier, NTIA, 1800 G Street NW., Washington, D.C. 20504, telephone 202-395-3102.

Dated: November 16, 1978.

CLOYD DODSON,
Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 78-32779 Filed 11-21-78; 8:45 am]

[3510-17-M]

Office of the Secretary

NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM

Meeting of Advisory Committee Regarding Comments From the Public on the Proposed Laboratory Accreditation Criteria for Laboratories Which Test Thermal Insulation Materials.

Proposed criteria for accrediting testing laboratories that test thermal insulation materials were published in the FEDERAL REGISTER on September 29, 1978 (43 FR 45289-45298). Requests for informal public hearings to present views on the proposed criteria were due by October 16, 1978. No such requests were received and, accordingly, no hearing was held. Written comments were due by November 13, 1978, and those that were received are filed in the Department's Central Reference and Records Inspection Facility (CRRIF), Room 5317, Main Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C. 20230, where they are available for public inspection.

Pursuant to the procedures for the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7), the Assistant Secretary has requested the National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials (NLACC-1) to prepare and return to him in writing its evaluation of those public comments and to include any recommendations for appropriate action. In responding to this request, the chairman of the NLACC-1 has distributed copies of these comments to each Committee member with a request that each member evaluate and submit recommendations on the comments by December 1, 1978. A draft report will be prepared by the Department's NVLAP staff based on the responses from Committee members, and then will be made available to members of the Committee along with the evaluation and recommendations of each member. Any further comments from Committee members will be incorporated in the final report to

be submitted to the Assistant Secretary on or about December 18, 1978.

A meeting of the Committee will be held on Friday, December 8, 1978, at 9 a.m. in Room 5611, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. (public entrance to the building is on 14th Street, between Constitution Avenue and E Street NW.) The agenda will consist of a review of the public comments, a review of Committee members' recommendations about these comments, a clarification of any restrictions imposed by NVLAP procedures on possible courses of action, and a review of the draft Committee report to the Assistant Secretary containing an evaluation of the public comments and Committee recommendations. The meeting will be open to public observation. A limited number of seats will be available to the public and press on a first-come, first-served basis.

This notice also announces the availability, in the Department's CRRIF, of all written comments to be received from the Committee members, the draft and final Committee reports, when completed, and the minutes of the Committee's meeting following their certification by the Committee chairman in accordance with the Federal Advisory Committee Act. Copies of such comments and reports may be obtained directly from the chairman of the Committee, Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230.

Further information may be obtained from Dr. Forman at the above address or by telephone at 202-377-3221.

Dated: November 17, 1978.

HOWARD I. FORMAN,
Acting Assistant Secretary for Science and Technology.

[FR Doc. 78-32755 Filed 11-21-78; 8:45 am]

[3510-15-M]

Maritime Administration

[Docket No. S-627]

FILLMORE TANKER CORP.

Application

Notice is hereby given that Fillmore Tanker Corp. filed an application with the Maritime Administration on November 16, 1978, to approve the total repayment of construction-differential subsidy paid in connection with the construction of the T.T. *Bay Ridge* and thereby lift the trading restrictions imposed pursuant to Board Contract No. MA/MSB-284, dated June 29, 1973. The T.T. *Bay Ridge* is a 225,000 deadweight ton tanker, and it is expected to be delivered in December 1978.

This application may be inspected in the Office of the Secretary, Maritime Subsidy Board, Room 3099-C, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

The T.T. *Bay Ridge* is restricted by Board Contract No. MA/MSB-284 to operation in the U.S. foreign trade, except as may be permitted pursuant to section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1156). If the application is approved, pursuant to proposed 46 CFR Part 276, published in the FEDERAL REGISTER on November 2, 1978 (43 FR 51045), the T.T. *Bay Ridge* will be allowed to operate permanently in the domestic trade.

Interested parties, who operate a vessel or vessels in the domestic trade, and who believe that approval of the subject application would subject them to a significant adverse competitive effect, may submit their views thereon to the the Secretary, Maritime Subsidy Board, in triplicate, on or before December 4, 1978. All timely responses will be considered in the agency's evaluation of this application.

(Catalog of Domestic Assistance Program No. 11.500 Construction-Differential subsidies (CDS).)

Dated: November 20, 1978.

By order of the Maritime Subsidy Board.

MARITIME ADMINISTRATION,
JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-32847 Filed 11-21-78; 8:45 am]

[3710-08-M]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENCE BOARD/AIR FORCE SCIENTIFIC ADVISORY BOARD

Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: Army Science Board/ Air Force Scientific Advisory Board.
Date of Meeting: December 8, 1978.
Place: U.S. Army Training and Doctrine Command, Fort Monroe, Va.
Time: 0900-1200 hours, Closed Session.
Proposed Agenda: The Army and Air Force Science Boards will receive classified briefings and hold classified discussions on their Joint Summer Study on "Battlefield Systems Integration." This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof.

ROBERT F. SWEENEY,
LTC, GS, Executive Secretary, Army Science Board.

[FR Doc. 78-32742 Filed 11-21-78; 8:45 am]

[3810-70-M]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON ECM

Advisory Committee Meeting

The Defense Science Board Task Force on ECM will meet in closed session on December 14-15, 1978 in the Pentagon, Arlington, Va.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Task Force on ECM has been scheduled for December 14-15, 1978 to discuss potential technical solutions to several current problems in electronic counter measures.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board Task Force meeting concerns matters listed in section 552b(c) of title 5, of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: November 17, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Director, DoD/WHS.

[FR Doc. 78-32786 Filed 11-21-78; 8:45 am]

[3810-70-M]

DEFENSE SCIENCE BOARD TASK FORCE ON ENDURING STRATEGIC COMMUNICATIONS, COMMAND AND CONTROL AND INTELLIGENCE

Advisory Committee Meeting

The Defense Science Board Task Force on Enduring Strategic Communications, Command and Control and Intelligence will meet in closed session on December 18 and 19, 1978, in Washington, D.C.

The mission of the Defense Science Board is to advice the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Task Force on Enduring Strategic Communications, Command and Control and Intelli-

gence has been scheduled for December 18 and 19, 1978, to define the studies to be performed by the task force, to review background information, to organize the necessary subcommittees, and to identify the scope and source of ancillary studies to be performed. The task force will focus on the long-term problems in strategic communications, command and control and intelligence and will complement concurrent studies being performed by Strategic Air Command and the U.S. Navy.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board Task Force meeting concerns matters listed in section 552b(c) of title 5, of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: November 17, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, DOD/WHS.

[FR Doc. 78-32788 Filed 11-21-78; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-436, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, January 2, 1979; Tuesday, January 9, 1979; Tuesday, January 16, 1979; Tuesday, January 23, 1979; and Tuesday, January 30, 1979, at 9:45 a.m. in Room 1E801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D281, the Pentagon, Washington, D.C.

Dated: November 17, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 78-32787 Filed 11-21-78; 8:45 am]

[3810-70-M]

Office of the Secretary

DISCHARGE REVIEW BOARDS

Implementation of Requirements Regarding the Index of Decisions and Preparation of Decisional Documents Issued by the Army, Navy, and Air Force Discharge Review Boards

Notice is hereby given that procedures have been established to implement requirements regarding the quarterly index of decisions and preparation of decisional documents issued by the Army, Navy, and Air Force Discharge Review Boards. Procedures have also been established to inform certain classes of persons about these procedures.

Requirements for the preparation of decisional documents and indexes of Discharge Review Board decisions were established in the Stipulation of Dismissal, *Urban Law Institute of Antioch College, Inc.* v. *Secretary of Defense*, No. 76-0530 (D.D.C., Jan. 31, 1977). These procedures were further developed in DOD Directive 1332.28 (43 FR 13564, 32 CFR 70). On August 23, 1978, the District Court entered a preliminary injunction in the *Urban Law Institute* case directing the Department of Defense to develop procedures that would further the purposes of the previous Stipulation of Dismissal.

By Memorandum [1] to the Secretaries of the Military Departments, the Assistant Secretary of Defense has created procedures for taking corrective action with respect to allegations that the decisional documents violate provisions of the Stipulation of dismissal. The Memorandum also sets forth the conditions under which such corrective action may entitle an applicant to a new hearing. The Memorandum further describes other opportunities for applicants to receive new hearings. Details concerning the placement of the index of Discharge Review Board decisions are provided in the Memorandum. The Memorandum also specifies the manner of notification about these matters to certain classes of individuals and provides sample letters to be used by the Discharge Review Boards.

The Department of Defense has been ordered by the District Court to implement these procedures; prompt action is required in order to meet the requirements established by the Court. Under the procedures set forth in the Memorandum, certain classes of applicants and their counsel will be provided with timely information about use of the index to be published in November 1978, which will contain entries under the newly published uniform standards for the Discharge Review Boards. The new indexing categories were published in the FEDERAL REGISTER (43 FR 47237) on October 13, 1978.

In view of the court order mandating prompt action, and the interest of applicants in receiving timely notice of the new procedures, immediate implementation is required. Therefore, notice and prepublication of the new terminology for public comment is impracticable, unnecessary, and contrary to the public interest.

Effective Date: October 28, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

NOVEMBER 17, 1978.

[FR Doc. 78-32789 Filed 11-21-78; 8:45 am]

[6360-01-M]

DELAWARE RIVER BASIN COMMISSION

PIONEER METAL FINISHING CO., INC., AND POPLAR BRAND FIRMS, INC.

Public Hearing

Notice is hereby given by the Delaware River Basin Commission that it will hold a public hearing on Wednes-

[1] Filed with the original.

day, November 29, 1978, commencing at 2 p.m. The hearing will be a part of the Commission's regular November business meeting which is open to the public. Both the hearing and the meeting will be held in Marshall Hall, South, ASTM Building, 1916 Race Street, Philadelphia, Pa. The hearing will be held on applications for approval of the following projects which are now pending before the Commission pursuant to section 3.8 of the compact:

1. *Pioneer Metal Finishing Co., Inc. (D-78-91).* A project involving the discharge of industrial waste water from the company's finishing plant in Franklin Township, Gloucester County, N.J. Facilities will be installed to reduce the concentration of cyanide, chromium, copper, and nickel in a waste water flow of up to 19,000 gallons per day. Treated effluent will discharge to the Jerico Branch of Scotland Run, a tributary of the Maurice River.

2. *Poplar Brand Farms, Inc. (D-78-90).* A well water supply project to provide irrigation water at the applicant's farm in Cedarville, Cumberland County, N.J. The well facility is expected to yield approximately 270,000 gallons per day.

Documents relating to the above-listed applications may be examined at the Commission's office. Persons wishing to testify on these applications are requested to notify the Secretary to the Commission prior to the hearing.

W. BRINTON WHITALL.

NOVEMBER 15, 1978.

[FR Doc. 78-32743 Filed 11-21-78; 8:45 am]

[6740-02-M]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. CP79-43]

CITIES SERVICE GAS CO.

Application

NOVEMBER 14, 1978.

Take notice that on October 30, 1978, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, Okla. 73125 filed in docket No. CP79-43 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of pipeline, measuring, regulating and appurtenant facilities and the sale of natural gas for resale in and about Oilton, Shidler and Webb City, and Wynona, Okla., presently being served by Applicant where the distribution systems have been acquired by new owners, 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 would continue to operate pipeline, measuring, regulating and appurtenant facilities and to sell gas for resale in and about the towns of Oilton, Shidler and Webb City, and Wynona, Okla., where the distribution systems have been acquired from the Pact Gas Co. by Larry Kelly, d.b.a. Energy Systems; Mid-West Gas Co.; city of Wynona. It is indicated that the annual sales volumes for Oilton, Shidler and Webb City, and Wynona for the 12 months ending July 31, 1978 are 75,990 Mcf, 84,664 Mcf, and 63,635 Mcf, respectively.

Applicant also states that no new facilities are proposed to be constructed or installed and no new sales are proposed to be made through existing facilities and their continued operation will not materially affect Applicant's overall system.

Applicant states the sale for resale to the new owners of the distribution systems of these communities is required by the present and future public convenience and necessity.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1978, file with the Federal Energy Regulatory 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 jurisdiction conferred upon the Federal Energy Regulatory 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 or its designee 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. 78-32718 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. CP77-363]

COLUMBIA GAS TRANSMISSION CORP. AND NATIONAL FUEL GAS SUPPLY CORP.

Extension of time

NOVEMBER 9, 1978.

On November 3, 1978, UGI Development Co. (UGID) and UGI Corp. (UGI) filed a motion for extension of time for UGID to file an application for a certificate to sell gas to UGI as required by the Commission's order in this proceeding issued October 10, 1978. The motion states that the requested extension is sought in order to permit UGI and UGID to evaluate the sale in light of the Natural Gas Policy Act and the Commission's soon-to-be issued regulations under the Act.

Upon consideration, notice is hereby given that an extension is granted to and including December 8, 1978 for UGID to file for certificate authorization as required in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32719 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-50]

EL PASO NATURAL GAS CO.

Application

NOVEMBER 16, 1978.

Take notice that on November 1, 1978, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in docket No. CP79-50 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by conveyance to Southern Union Gas Co. (Southern Union) certain pipeline, metering and tap facilities, with associated appurtenances, all located on Applicant's interstate transmission system in and about the city of El Paso, Tex., all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states it has agreed to sell to Southern Union and Southern Union has agreed to purchase the following facilities currently being utilized by Applicant in providing natural

gas to Southern Union for resale in and about the city of El Paso, Tex.:

(1) *Pipeline*—A total of approximately 26.79 miles of 16-inch, 12¾-inch, 10¾-inch, 6⅝-inch, 4½-inch O.D. pipeline located in El Paso County, Tex.;

(2) *Meter stations*—Nineteen (19) meter stations situated on the pipeline facilities to be abandoned and conveyed; and

(3) *Sales taps*—Four (4) sales taps, also located on the pipeline facilities to be abandoned and conveyed.

Such facilities essentially serve a distribution rather than transmission function and would, upon transfer, be utilized by Southern Union as a part of its existing natural gas distribution system serving the El Paso, Tex., area, it is said. Applicant states that presently it utilizes the facilities to be conveyed to deliver gas to Southern Union at approximately twenty-three (23) separate locations in the east and southeast areas of El Paso, Tex., and that following the proposed transfer of the facilities, Applicant would deliver gas to Southern Union at two (2) city gate locations for resale to its consumers.

Applicant states that gas deliveries to Southern Union in the El Paso area are now made pursuant to the currently effective service agreement dated October 1, 1969, between Applicant and Southern Union.

It is stated that after acquisition of the subject facilities, and the change in service arrangements described herein, Southern Union would be required to construct and operate, at its sole cost, approximately 1.60 miles of additional 8⅝-inch O.D. distribution system pipeline in order to provide hourly and peak day capacity in its enlarged distribution system needed to meet the priority 1, 2, and 3 requirements of its El Paso service area customers. Additionally, as a condition and consideration for the sale and conveyance of the subject facilities, Southern Union has agreed, pursuant to a letter agreement between the parties, to receive from and deliver to Applicant, up to 100 Mcf of natural gas per day, free of charge utilizing Southern Union's distribution system, for direct consumption by Applicant at its station No. 3 warehouse and maintenance facility, which facility is now being served by the pipeline proposed to be conveyed, it is asserted.

Applicant asserts further that the abandonment would eliminate operating and maintenance expenses now associated with the facilities which primarily serve a distribution function in the El Paso area. The conveyance would also provide Applicant with a greater degree of control over and increased efficiency in measuring and regulating natural gas delivered to Southern Union in the El Paso area, it is said.

Further, it is indicated that with regard to Southern Union and its El Paso customers, Southern Union needs to reinforce its distribution facilities in the city of El Paso to make efficient use of newly acquired intrastate natural gas supplies to meet the continually growing demand for gas of its high priority customers situated in and about the city of El Paso. Toward this end, the acquisition of the facilities by Southern Union would be less costly to Southern Union than the construction of entirely new facilities necessary to reinforce its existing distribution system Applicant asserts. The application indicates further that such acquisition would permit Southern Union to conduct more efficient distribution activities utilizing available and known additional supplies, both interstate and intrastate in nature, and that in addition, Southern Union would own and operate the subject pipeline facilities and could install taps or reinforce the facilities as may be required, thereby controlling operations so as to meet efficiently its operational needs in its El Paso service area.

Applicant asserts that no interruption, reduction or termination of natural gas service presently rendered by Applicant to any of its customers would result upon effectuation of the abandonment.

Applicant states that Southern Union would purchase the facilities from Applicant for a total price of $372,120 plus any excise, sales, use or other Federal, State, or local tax which may be levied exclusive of taxes based on income, profits, or franchise which are payable by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1978, file with the Federal Energy Regulatory 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 Energy Regulatory 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 or its designee 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. 78-32720 Filed 11-21-78; 8:45 am]

[6740-02-M]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. ER79-49]

ILLINOIS POWER CO.

Filing

NOVEMBER 15, 1978.

Take notice that Illinois Power Co. (Illinois Power) on November 6, 1978, tendered for filing revised exhibits A and B to an agreement dated August 26, 1974, between Illinois Power and the city of Highland, Ill. (Highland).

Illinois Power states that the purpose of the filing is to revise the agreement to reflect the addition of two air-break switches on either side of the tap on Illinois Power's line which is the point of interconnection between Illinois Power and Highland.

Illinois Power requests an effective date of May 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Illinois Power, copies of this filing have been mailed to Highland and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32721 Filed 11-21-78; 8:45 am]

[6740-02-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER79-50]

IOWA POWER & LIGHT CO.

Filing

NOVEMBER 15, 1978.

Take notice that Iowa Power & Light Co., (Iowa Power) on November 6, 1978 tendered for filing a Transmission Service Agreement with Iowa-Illinois Gas & Electric Co., (Iowa-Illinois) dated December 30, 1977.

Iowa Power states that relating to the proposed utilization by Iowa-Illinois of 91 MW of capacity in 1978 and 75 MW of capacity after 1978 on Iowa Power's existing 345 kV transmission system from the Sycamore Substation near Des Moines, Iowa, to Hills Substation near Hills, Johnson County, Iowa, the agreement facilitates transmission of Iowa-Illinois' share of George Neal generating unit No. 3 capacity.

Iowa requests waiver of the Commission's notice requirements and proposes an effective date of October 1, 1978.

Iowa Power further states that the purpose of the proposed rates and charges is to recover reflected costs of the facilities to be provided as the scheduling path, for associated operation and maintenance, and for transmission losses for which compensation in kind is provided.

According to Iowa Power copies of the filing have been mailed to Iowa-Illinois and to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Fderal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32722 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. ES79-9]

IOWA POWER & LIGHT CO.

Application

NOVEMBER 16, 1978.

Take notice that on November 6, 1978, Iowa Power & Light Co. (applicant) filed an application with the Federal Energy Regulatory Commission for an order pursuant to section 204(a) of the Federal Power Act, authorizing the applicant to enter into loan agreements to borrow the proceeds from the sale of and to provide for the payment of pollution control revenue bonds to be issued by the city of Chillocothe, Iowa, by the city of Pleasant Hill, Iowa and by the city of Council Bluffs, Iowa; authorizing the proposed issuance of additional first mortgage bonds by the applicant to provide for the payment of such pollution control revenue bonds; authorizing the applicant to execute and deliver letters to said cities and underwriters to induce the issuance and sale of said pollution control revenue bonds; and exempting these transactions from the competitive bidding requirements of § 34.1(a) of the Commission's regulations under the Federal Power Act.

The applicant is an operating electric and gas utility, primarily engaged in the generation, transmission, distribution and sale at retail of electric energy and in purchase, distribution and sale at retail of natural gas in central and southwestern Iowa.

Applicant states that the first mortgage bonds are to be issued, and loan agreements are to be entered into and inducement letters are to be executed and delivered, in connection with the sales (a) by the city of Chillocothe, Iowa of $7.0 million aggregate principal amount of its pollution control revenue bonds, (b) by the city of Pleasant Hill, Iowa of $2.3 million aggregate principal amount of its pollution control revenue bonds and (c) by the city of Council Bluffs, Iowa, of $2.0 million aggregate principal amount of its pollution control revenue bonds. Pursuant to the loan agreements, the proceeds from the sale of these bonds will be borrowed by the applicant to finance part of the cost of applicant's interest in certain pollution control facilities at (a) Unit No. 1 of the Ottumwa generation station near Chillocothe, Iowa, (b) Des Moines power station in Pleasant Hill, Iowa and (c) Unit No. 3 of the Council Bluffs power station in Council Bluffs, Iowa.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 1, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32723 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-45]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

NOVEMBER 16, 1978.

Take notice that on October 30, 1978, Natural Gas Pipeline Co. of America (applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP79-45 an 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 61.4 miles of 10-inch transmission pipeline, 3,600 horsepower of compression, 5.4 miles of 6- and 8-inch gathering pipeline and other appurtenant facilities in Adams, Yuma, and Washington Counties, Colo., 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 has acquired gas supply commitments from a number of producers covering an extensive area of Yuma and Washington Counties, Colo., as part of its effort to supplement its long term gas supply. In addition to the commitment of these gas reserves, Natural's exploration and producing subsidiary NARMCO, Inc. (NARMCO) has acquired a substantial leasehold position in several areas which are located south of the area of interest, it is said. NARMCO has an average working interest of approximately 40 percent in over 300,000 gross acres and as a result of this involvement, Natural has obtained preferential purchase rights on an average of 60 percent of the working interest in this acreage, it is asserted. The reserves underlying all this acreage, when developed in the future, would be available to augment the gas supply supporting this project, applicant states.

Applicant asserts that the new and developing gas fields in the Rocky Mountain area offer one of the best

and most economical sources of new gas reserves for applicant's customers. The application indicates that such reserves, however, are located at a considerable distance from applicant's transmission system but that Colorado Interstate Gas Co. (CIG) has an existing pipeline available in the area and would be willing to transport and redeliver applicant's gas. Applicant and CIG are negotiating a transportation and/or exchange agreement for the redelivery of the gas to applicant, it is said.

Applicant states that it has been able to project 60,000,000 Mcf of proved reserves and probable potential gas supply on the productive acreage.

Applicant anticipates that further drilling would result in the upgrading of the presently classified probable potential gas supply to proved reserves and the discovery of subsequent additional reserves. The gathering system would be extended in the future to provide for the attachment of additional wells as they are completed, it is said.

In order to implement the delivery of gas to Colorado applicant states it is necessary to construct said facilities at an estimated cost of $9,566,000. The total cost would be financed initially by applicant with funds on hand, borrowings under applicant's revolving credit arrangements, or short-term financing, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1978, file with the Federal Energy Regulatory 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 jurisdiction conferred upon the Federal Energy Regulatory 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 or its designee 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. 78-32725 Filed 11-21-78; 8:45 am]

[6740-02-M]

[RP78-50]

NORTHWEST PIPELINE CORP.

Technical Conference and Informal Settlement Conference

NOVEMBER 15, 1978.

Take notice that a Technical Conference will be held between the Staff and Northwest Pipeline Corp. at 9:30 a.m. November 28, 1978. Any party desiring to attend this conference is welcome to do so. The conference will be for purposes of discussing data supplied to the staff at the last informal conference and any other matters which may need to be discussed prepatory to reconvening informal settlement discussions among all parties on December 14.

In addition, an informal settlement conference will be convened at 9:30 a.m. on December 14, 1978, for purposes of settlement discussions prior to the formal hearing scheduled at 3 the same afternoon. Both conferences will be held at the Comission's offices at 825 North Capitol Street N.E., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32726 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-47]

OHIO POWER CO.

Proposed Changes in Rates and Charges

NOVEMBER 15, 1978.

Take notice that American Electric Power Service Corp. (AEP) on October 27, 1978, tendered for filing on behalf of its affiliate Ohio Power Co. (Ohio Power), modification No. 9 dated October 1, 1978, to the operating agreement dated June 14, 1962, between Ohio Power Co. and Cleveland Electric Illuminating Co. designated Ohio Power Rate Schedule FERC No. 31.

Section 1 of modification No. 9 provides for an increase in the demand charge for short term power form $0.60 to $0.70 per kilowatt per week and section 3 provides for an increase in the demand charge for limited term power from $3.25 to $3.75 per kilowatt per month; section 2 of modification No. 9 provides for an increase in the transmission charge for third party short term power transactions from $0.15 per kilowatt per week to $0.175 per kilowatt per week and section 4 provides for an increase in the transmission charge for third party limited term transactions from $0.65 per kilowatt per month to $0.75 per kilowatt per month, according to the applicant.

Applicant states that since the use of short term power and limited term power service cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the modification. Applicant's exhibit 1 which was included with the filing of this modification, demonstrates that the increase in revenues, which would have resulted had the modification been in effect during the 12-month period ending July 1978 would have been $508,107.18 (i.e. from $16,529,196.75 to $17,037,303.93), according to the applicant.

Copies of the filing were served upon the Cleveland Electric Illuminating Co. and Public Utilties Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before November 20, 1978. Protests will be considered by the Commission in determining the appropriate action to taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32724 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. CP77-383 (Phase I)]

PANHANDLE EASTERN PIPE LINE CO.

Application To Amend

NOVEMBER 16, 1978.

Take notice that on November 3, 1978, Panhandle Eastern Pipe Line Co. (Applicant), P.O. Box 1642, Houston, Tex. 77001, filed in docket No. CP77-383 an application to amend the Commission's order issued February 17, 1978, in the instant docket (phase I) pursuant to section 7(c) of the Natural

Gas Act so as to expand the area of interest existing between Applicant and Colorado Interstate Gas Co. (CIG) pursuant to a gas purchase and exchange agreement dated December 3, 1976, as amended March 1, 1978, to include the Fuller Reservoir area (Fuller), situated in Fremont County, Wyo., all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The order of February 17, 1978, provided in part for the sale by Panhandle and the purchase by CIG, the transportation by CIG on behalf of Panhandle, and the exchange by and between CIG and Applicant of natural gas committed to Applicant to be produced from an area of interest located in the Greater Green River Basin area of southwestern Wyoming.

Applicant states that on March 1, 1978, Applicant and CIG entered into an amendment to the agreement; the purpose of the amendment was to expand the area of interest of the agreement to include the Fuller area of Fremont County, Wyo., it is said.

Applicant states it has acquired from Husky Oil Co. (Husky) certain gas supplies developed and to be developed in the Fuller area, and approximately 30 percent of the Fuller natural gas production is controlled by Husky and is committed to Applicant; the remaining 70 percent is committed directly to CIG.

Applicant further states that its share of the Fuller gas would flow to CIG pursuant to the agreement. On August 29, 1978, the Commission granted certificate authority in docket Nos. CP78-198 and CP78-210 to CIG and Montana-Dakota Utilities Co. (MDU), respectively, to transport and exchange natural gas produced in the Fuller area of Fremont County, Wyo., it is stated. Pursuant to the Commission's order of August 29, 1978, CIG would gather and deliver the Fuller gas to MDU's pipeline in Fremont County and MDU would transport and redeliver thermally equivalent volumes to CIG at mutually agreeable locations on CIG's pipeline facilities, it is asserted. CIG would accept deliveries from MDU and, as appropriate, would transport and redeliver Panhandle's portion of the Fuller production to Panhandle in accordance with the terms of the agreement between Panhandle and CIG, as authorized by the Commission's order of February 17, 1978, in phase I of this proceeding, it is asserted.

Applicant further asserts it would pay a 10 cent per Mcf gathering charge to CIG for its share of the Fuller gas and would reimburse CIG 2 cents per Mcf for payment of a charge levied by MDU to CIG for the transportation of all Fuller gas, as authorized by the Commission's Order in docket Nos. CP78-198 and CP78-210.

Panhandle would benefit from the inclusion of the Fuller Reservoir area within the area of interest, because it would be able to connect new natural gas supplies, distant from its pipeline system, without the expenditure of large sums for major connection facilities.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before December 8, 1978, file with the Federal Energy Regulatory 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. 78-32727 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-48]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

Application

NOVEMBER 14, 1978.

Take notice that on October 31, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, Ky. 42301, (Applicants) filed in docket No. CP79-48 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that it has the right to purchase natural gas reserves, and is negotiating to purchase additional reserves, underlying West Cameron block 237, offshore Louisiana and proposes to construct and operate an undersea pipeline and related facilities to connect block 237 with Texas Eastern's existing off-shore Cameron Pipeline System on West Cameron block 250, offshore Louisiana.

Texas Eastern states that it has the right to purchase natural gas reserves underlying High Island block A-568, offshore Texas and proposes to construct and operate undersea pipelines and related facilities to connect such block with the 30-inch offshore pipeline of High Island Offshore System (HIOS) in the High Island offshore area, and is negotiating for the purchase of gas in the High Island area.

Texas Eastern states it would receive up to 20,000 Mcf of natural gas per day tendered for delivery by Texas Gas at the point of interconnection of Texas Eastern's Cameron Pipeline System with the pipeline facilities to be constructed by Texas Gas from West Cameron block 237 and to transport such quantities of natural gas onshore for exchange with or delivery to Texas Gas. It is further stated that Texas Gas has committed to it, capacity in the HIOS and Michigan Wisconsin offshore systems and would receive up to 20,000 Mcf of natural gas per day tendered for delivery by Texas Eastern at the point of interconnection of HIOS's system with the pipeline facilities to be constructed by Texas Eastern from High Island block A-568, for further transportation onshore for exchange with or delivery to Texas Eastern. By such agreement Applicants are committing capacity up to the maximum exchange volume for the exchange of additional gas supplies secured by Applicants in the High Island and West Cameron area, it is said.

Applicants proposed that any volume of natural gas transported onshore on any day in excess of the exchange volumes would be redelivered onshore by the transporting Applicant to the other Applicant. Daily deliveries of any such excess quantities of natural gas would be made at the interconnection of Texas Eastern's onshore pipeling system with the pipeline system of Transcontinental Gas Pipeline Corp. (Transco) near Ragley, La., it is asserted.

Texas Eastern states that it would transport for Texas Gas up to 20,000 Mcf per day, less fuel, to the Transco Ragley interconnection for the account of Texas Gas pending the delivery by Texas Eastern of the block A-568 volumes to Texas Gas and commencement of the exchange of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1978, file with the Federal Energy Regulatory 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 Energy Regulatory 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32728 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-49]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

NOVEMBER 14, 1978.

Take notice that on October 31, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in docket No. CP79-49 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible transportation service of up to 723 dekatherms (dt) equivalent of natural gas per day for the account of Carolina Pipeline Co., Inc.; NCNG Exploration Corp., an affiliate of North Carolina Natural Gas Corp.; Philadelphia Electric Co.; Piedmont Exploration Co., Inc.; an affiliate of Piedmont Natural Gas Co., Inc.; Tar Heel Energy Corp., an affiliate of Public Service Co. of North Carolina, Inc.; Owens-Corning Fiberglas Corp.; UCG Energy Corp., an affiliate of United Cities Gas Co., North and South Carolina Division; Rockingham Exploration Co., an affiliate of North Carolina Gas Service Division of Pennsylvania and Southern Gas Co.; Burlington Industries, Inc.; and Devco Enterprises, Inc., an affiliate of Cherokee Brick Co. of North Carolina, Inc., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that with the exception of Owens-Corning Fiberglas Corp.; Burlington Industries, Inc.; and Devco Enterprises, Inc.; these transportation customers are all distribution company customers of Applicant or affiliates of Applicant's distributors.

Applicant further states that the joint venture (Transmac Exploration and Development Program) of these transportation customers has discovered and developed a successful well in the Lake Hatch '76 field, Terrebonne Parish, La.

Applicant states that the Lake Hatch '76 field is adjacent to existing facilities of Columbia Gulf Transmission Co. (Columbia Gulf) and of United Gas Pipe Line Co. (United) in Terrebonne Parish, La. Columbia Gas Transmission Corp. (Columbia Gas) has agreed to receive gas produced from the Lake Hatch '76 field which is delivered into the facilities of Columbia Gulf for Applicant's account, and, by displacement, would deliver such gas to United, it is said. United, in turn, would transport and redeliver such gas to Applicant at the existing authorized point of interconnection between the systems of Applicant and United at Gibson, Terrebonne Parish, La., Applicant states. Applicant is advised that Columbia Gas and United would forthwith file applications for the exchange and transportation services they would render.

Applicant requests authorization to transport for the account of the transportation customers, on an interruptible basis, their interests in the Lake Hatch '76 field gas from the point of receipt from United to existing points of delivery on Applicant's system to such customers, or their affiliates.

Applicant states further that transportation service into Applicant's rate zone 2 initially would be rendered at 23.5 cents per dt, and into rate zone 3 at 24.0 cents per dt.

Applicant would initially withhold 3.8 percent of the transportation volumes destined for delivery in rate zone 2 and 4.4 percent of the volumes for delivery in rate zone 3 for compressor fuel and line loss make-up, it is said. The Applicant asserts that transportation gas would be utilized by the transportation customers which would be the ultimate recipients to moderate the impact of Applicant's curtailments on their high-priority end uses.

Applicant asserts that the transportation service would be rendered with existing capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 30, 1978, file with the Federal Energy Regulatory 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 jurisdiction conferred upon the Federal Energy Regulatory 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 or its designee 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. 78-32729 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Project No. 814, et al.]

UTAH POWER & LIGHT CO., ET AL.

Expiration

NOVEMBER 13, 1978.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses, to take over the projects under section 14 of the Federal Power Act, as amended (16 U.S.C. 807), and that the licensees for the projects and others may have adequate notice and opportunity to file timely application for new licenses under section 15 of the Act, as amended (16 U.S.C 808), public notice is hereby given that the license issued for the designated and described projects on the appended tables will expire on the dates specified.

KENNETH F. PLUMB,
Secretary.

[6740-02-C]

TABLE I --Projects for which licenses will expire between Jan. 1, 1979 and Dec. 31, 1984, inclusive, which are subject to relicensing or taken over[1]

License Expiration Date	Licensee	Project No	State	County or Town	Stream	Installation (kilowatts)	Facilities Under License	Period of License (years)
Aug. 31, 1979	Utah Power & Light Co.	814	Utah	Beaver	Beaver River and tributaries	3,000	Dam, reservoir, powerhouse	50
Dec. 11, 1979	Pacific Power & Light Co.	935	Washington	Clark & Cowlitz	Lewi River	135,000	Dam, reservoir and powerhouse	50
Apr. 10, 1980	Consumers Power Co.	785	Michigan	Allegan	Kalamazoo River	2,550	Dam, reservoir, powerhouse and transmission line	50
Apr. 21, 1980	Safe Harbor Water Power Corp.	1025	Pennsylvania	York and Lancaster	Susquehanna River	196,000	Dam and powerhouse	50
May 22, 1980	The Montana Power Co.	5	Montana	Flathead and Lake Counties	Flathead Lake and River	168,000	Dam, reservoir, 2 penstocks, powerhouse, and transmission lines	50
June 30, 1980	Moon Lake Electric Association	190	Utah	Duchesne County	Pole Creek and Uinta River	1,200	Dam, canal, diversion dam, powerhouse and a transmission line	50
June 30, 1981	Appalachian Power Co.	739	Virginia	Pulaski County	New River	77,400	Dam, reservoir, powerhouse and transmission line	50
Sept. 30, 1982	Pacific Gas & Electric Co.	1962	California	Butte and Plumas Counties	North Fork of Feather River	180,000	2 dams, 2 reservoirs, 2 powerhouses and transmission lines	35
Jan. 15, 1984	Kanawha Valley Power Co.	1175	West Virginia	Kanawha and Fayette	Kanawha River	28,800	2 dams, 2 powerhouses and transmission lines	50
Jan. 16, 1984	Kanawha Valley Power Co.	1290	West Virginia	Kanawha and Putnam	Kanawha River	14,760	Powerhouse and transmission lines	48
June 10, 1984	Idaho Power Co.	18	Idaho	Jerome and Twin Falls	Snake River	8,438	Dam, powerhouse and transmission line	50

[1]Sec. 14 of the Federal Power Act (16 U.S.C. 807), reserves the right of the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to Sec. 10(i) to the act (16 U.S.C. 803(i)) Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to the act of Aug. 15, 1953 (67 stat. 587).

TABLE 1.--Projects for which licenses will expire between Jan. 1, 1979 and Dec. 31, 1984, inclusive, which are not subject to takeover[1]

License Expiration Date	Licensee	Project No.	State	County or Town	Stream	Installation (kilowatts)	Facilities Under License	Period of License (years)
Nov. 26, 1979	Hyrum City Corp.	946	Utah	Cache	Blacksmith Fork	2/ 450	Dam, reservoir, powerhouse and transmission line	50
Jan. 30, 1980	Public Utility District No. 1 of Chelan County and Puget Sound Power & Light Co.	943	Washington	Chelan, Ephrata, Rock Island, Waterville & Wenatchee, Chelan, and Douglas Counties	Columbia River	212 000 4/	Dam, reservoir, 2 powerhouses, and transmission lines	50
Apr. 10, 1980	City of Ottumwa	925	Iowa	Wapello County	Des Moines River	3,000	Dams and powerhouse	50
May 1, 1980	New England Fish Co.	1299	Alaska	Kodiak Island	One Mile Creek	2/3/ 53	Diversion dam, pipeline, and 2 turbines	10
Aug. 23, 1983	City of Ephraim	1213	Utah	Sanpete	City Creek	2/ 205	Pipeline and powerhouse	50
Dec. 6, 1983	City of Radford, Virginia	1235	Virginia	Montgomery and Pulaski	Little River	2/ 800	Dam, reservoir and powerhouse	50
Apr. 16, 1984	Loup River Public Power District	1256	Nebraska	Platte, Nance, Madison, Stanton, Wayne, Dixon, Colfax, Dodge, Douglas, Butler, Saunders and Lancaster	Loup River	47,738	Diversion dams reservoirs, powerhouses and transmission lines	50
May 30, 1984	City of Pasadena	1250	California	Los Angeles	San Gabriel River	3,000	Diversion dam and powerhouse	0

[1]Sec. 14 of the Federal Power Act (16 U.S.C. 807) reserves the right of the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to sec. 10(i) of the Act (16 U.S.C. 803(i)). Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to the Act of Aug. 15, 1953 (67 Stat. 587).

[2]Minor license

[3]Includes equivalent kW for 60 hp (mechanical)

[4]Does not include an additional 440 mi[illegible] is currently under construction.

[FR Doc. 78-32638 Filed 11-21-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-52]

THE WASHINGTON WATER POWER CO.

Filing

NOVEMBER 15, 1978.

Take notice that on November 7, 1978, the Washington Water Power Co. (Washington) tendered for filing copies of an amendment to an earlier filed transmission service contract dated December 3, 1976, under which Washington provides transmission service for Pacific Power & Light Co. (Pacific). Washington states that this amendment extends for 1 year (through November 1, 1979) the provisions of the above contract. Washington further states that no other provisions of the contract are altered.

Washington indicates that under the above transmission service contract, Washington provides 200 Mw of transmission capacity from its interconnection with Idaho Power Co. in the Oxbow-Lolo 230-Kv line to the Lolo terminal of the Walla Walla-Lolo 230-Kv line. Washington further indicates that the agreement provides that the transmission service is to continue until November 1, 1979 (as amended) or until Pacific's proposed Midpoint-Malin 500-Kv line is in service—whichever is earliest.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.10). All such petitions or protests should be filed on or before November 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32730 Filed 11-21-78; 8:45 am]

[6450-01-M]

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for September 1978

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: September 1978 entitlement notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for September 1978.

DATES: Payments for entitlements required to be purchased under this notice must be made by November 30, 1978. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by December 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 6128I, Washington, D.C. 20461, 202-254-8660.

Fred Wolgel (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, 202-566-2454.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for September 1978 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the east coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); October 1978 deliveries of crude oil for storage in the strategic petroleum reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for September 1978 is calculated to be 0.174394.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of September 1978, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to 0.163476 of a barrel of deemed old oil.

The issuance of entitlements for the month september 1978 to refiners and other firms is set forth in the appendix to this notice. The appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of September 1978 is hereby fixed at $8.13, which is the exact differential as reported for the month of September between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of September 1978 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of September 1978 equal to the difference between the number of barrels of deemed old oil included in those receipts and a number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of September 1978 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through August 1978 pursuant to 10 CFR 211.67(j)(1).

The listing of refiners' old oil receipts contained in the appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments

for relief granted by the Office of Hearings and appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see Beacon Oil Co. et al., 4 FEA par. 87,024 (Nov. 5, 1976).

The listing contained in the appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the September 1978 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to insure that Arizona Fuels is not relieved of its September 1978 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see Entitlement Notice for October 1977 (42 FR 64401, Dec. 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the U.S. Government for storage in the strategic petroleum reserve, the number of barrels sold to the Government totaled 9,109,579 barrels.

For the month of September 1978, imports of residual fuel oil eligible for entitlements issuances totaled 33,775,988 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity (in degrees)
California lower tier crude oil	9,465,336	19
California upper tier crude oil	7,431,154	20

The total number of entitlements required to be purchased and sold under this notice is 21,735,366.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for September 1978, the pricing composition and weighted average costs thereof are as follows:

	Volumes	Weighted average cost	Percent of total volumes*
Lower tier	88,089,888	$5.99	17.8
Upper tier	88,086,387	12.79	17.8
Exempt domestic:			
Alaskan	35,088,556	12.83	7.1
Stripper	35,508,401	14.51	7.2
Naval petroleum reserve	2,927,909	13.40	.6
Total domestic	249,701,141	10.65	50.6
Imported	243,970,005	14.53	49.4
Total reported crude oil receipts	493,671,146	$12.57	100.0
Total reported crude oil runs to stills	477,336,072		

*Numbers may not add due to rounding.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for September 1978 must be made by November 30, 1978.

On or prior to December 10, 1978, each firm which is required to purchase or sell entitlements for the month of September 1978 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of September. The monthly transaction report forms for the month of September have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by November 30, 1978 are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to November 30, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before December 22, 1978.

Issued in Washington, D.C. on November 16, 1978.

HAZEL R. ROLLINS,
Deputy Administrator, Economic Regulatory Administration.

APPENDIX

ENTITLEMENTS FOR DOMESTIC CRUDE OIL — PAGE: 9

September 1978

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
-CONSOL'D-SALES	-113,419	0	0	0	0	0	113,419*
A-JOHNSON	0	181,619	0	0	0	0	181,619
ALLIED	122,395	64,044	0	0	0	58,351	0
AMER-PETROFINA	393,402	758,641	0	0	0	0	365,239
AMERADA-HESS	1,996,709	3,067,634	124,730	58,629	0	0	1,070,925
AMOCO	9,185,173	6,094,292	0	0	0	3,090,881	0
ANCHOR	24,927	81,864	0	0	11,821	0	54,937
ARCO	3,785,315	3,221,290	0	0	38,554	564,016	0
ARIZONA	174,898	63,479	6,168	0	4,205	113,419	0
ASAMERA	71,273	158,013	0	0	0	0	86,740
ASHLAND	1,184,162	1,758,145	0	7,799	0	0	573,983
ASIATIC	0	204,695	0	204,695	0	0	204,695
BASIN	259,157	208,863	0	0	82,571	50,294	0
BAYOU	46,350	56,172	0	0	0	0	9,822
BEACON	204,630	258,800	94,965	0	35,081	0	54,170
BELCHER	0	88,323	0	88,323	0	0	88,323
BI-PETRO	6,185	119,116	0	0	0	0	112,931
BP-TRADING	0	340,208**	0	0	0	0	340,208
BRUIN	32,041	120,914	0	0	0	0	88,873
C&H	77	39	0	0	0	38	0
CALCASIEU	1,271	48,773	0	0	0	0	47,502
CALUMET	19,422	18,707	0	0	0	715	0
CANAL	63,667	78,907	0	0	0	0	15,240
CARIBOU	66,446	84,154	0	0	0	0	17,708
CASTLE	0	20,775	0	20,775	0	0	20,775
CENTRAL	0	20,926	0	20,926	0	0	20,926
CHAMPLIN	1,322,168	1,139,060	0	0	179,475	183,108	0
CHARTER	958,167	819,591	472,472	0	0	138,576	0
CHEVRON	4,415,131	5,909,251	0	71,746	308,928	0	1,494,120
CII	0	115,604	0	0	0	0	115,604
CIRILLO	0	52,487	0	52,487	0	0	52,487
CITGO	2,268,727	1,372,805	0	0	0	895,922	0
CLAIBORNE	48,497	30,727	0	0	0	18,174	0
CLARK	164,317	651,764	0	0	0	0	485,447

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
COASTAL	138,811	1,821,440**	0	32,557	0	0	1,682,624
COLONIAL	0	37,888	0	37,888	0	0	37,888
CONOCO	1,912,759	1,788,440**	0	42,312	104,090	124,319	0
CONSUMERS-POWER	0	74,224	0	74,224	0	0	74,224
CORAL	0	211,464	0	0	0	0	211,464
CORCO	0	1,389,344	599,619***	237,818	0	0	1,389,344
CRA-FARMLAND	288,836	459,120	0	0	0	0	170,284
CROSS	45,608	93,222	0	0	0	0	47,614
CROWN	304,508	540,437	0	0	0	0	235,929
CRYSTAL-OIL	133,411	142,564	0	0	0	0	9,153
CRYSTAL-REF	28,213	32,185	0	0	0	0	3,972
DELTA	246,230	290,827	0	0	0	0	44,597
DEMENNO	8,278	73,023	0	0	8,284	0	64,745
DETROIT-ED	0	34,420	0	34,420	0	0	34,420
DIAMOND	447,481	326,010	0	0	0	121,471	0
DILLMAN	0	853	0	0	0	0	853
DORCHESTER	1,897	224,474	0	0	0	0	222,577
DOW	44,432	103,759	0	0	0	0	59,127
E-SEABOARD	0	66,842	0	66,842	0	0	66,842
ECO	133,134	109,010	0	0	34,990	24,124	0
EDDY	35,247	38,359	0	0	0	0	3,112
ELM	0	14,599	0	14,599	0	0	14,599
ENERGY-COOP	0	481,819	0	0	0	0	481,819
ERICKSON	5,406	136,791	0	0	0	0	131,385
EVANGELINE	35,670	38,933	0	0	0	0	3,263
EXXON	7,974,530	8,267,344	0	554,748	0	0	292,814
EZ-SERVE	8,554	91,634	0	0	0	0	83,080
FARMERS-UN	141,274	287,427	0	0	0	0	146,153
FLETCHER	12,439	165,495	0	0	2,847	0	153,056
FLINT	7,918	8,586	0	0	0	0	668
GARY	89,337	110,147	0	0	0	0	20,810
GETTY	691,954	416,408	0	0	0	275,548	0
GIANT	31,742	58,440	0	0	0	0	26,698
GLACIER-PARK	94,315	48,286	0	0	0	46,029	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
GLADIEUX	99,445	129,392	0	0	0	0	29,947
GLENROCK	534	815	0	0	0	0	281
GOLDEN-EAGLE	0	146,919	0	0	0	0	146,919
GOLDEN-EAGLE-NY	0	30,935	0	30,935	0	0	30,935
GOLDKING	121,256	123,727	0	0	0	0	2,471
GOOD-HOPE	33,865	249,212	0	0	0	0	215,347
GUAM	0	253,748	0	0	0	0	253,748
GULF	4,349,759	4,117,706	0	19,850	70,842	4,232,053	0
GULF-STS	27,067	124,862	0	0	0	0	97,795
HIRI	0	394,489	0	0	0	0	394,489
HOWELL	127,156	252,693	0	0	0	0	125,537
HUDSON-OIL	9,992	171,741	0	0	0	0	161,749
HUNT	166,528	267,501	0	0	0	0	100,973
HUSKY	524,375	524,375	205,491	0	9,608	0	0 ****
INDEPENDENT-REF	17,703	123,939	0	0	0	0	106,236
INDIANA-FARM	29,312	176,829	0	0	0	0	147,517
INDUST-FUEL	0	37,577	0	0	0	0	37,577
IRVING	0	18,350	0	18,350	0	0	18,350
J&W	51,463	38,980	0	0	0	12,483	0
KENCO	18,215	34,388	0	0	0	0	16,173
KENTUCKY	15,054	11,760	0	0	0	3,294	0
KERN	517,235	428,366	168,864	0	72,951	88,869	0
KERR-MCGEE	894,863	733,473	0	0	0	161,390	0
KOCH	227,779	714,952	0	26,343	0	0	487,173
LAGLORIA	422,243	237,589	0	0	0	184,654	0
LAKESIDE	51,166	42,291	0	0	0	8,875	0
LAKETON	138,549	140,942	37,534	0	0	0	2,393
LITTLE-AMER	1,001,392	969,056	518,998	0	0	32,336	0
LOUISIANA-LAND	178,421	265,827	0	0	0	0	87,406
MACMILLAN	44,888	139,650	0	0	6,212	0	94,762
MARATHON	4,483,931	2,583,024	0	0	0	1,900,907	0
MARION	75,382	196,174	0	0	0	0	120,792
METROPOLITAN	0	169,803	0	169,803	0	0	169,803
MID-AMER	90,873	90,873	55,271	0	0	0	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
MID-TEX	17,891	31,889	0	0	0	0	13,998
MOBIL	5,919,596	4,491,260	0	26,574	462,724	1,328,336	0
MOBILE-BAY	0	120,658	0	0	0	0	120,658
MOHAWK	379,874	470,360	174,244	0	83,397	0	90,486
MONOCO	0	3,466	-3,768	7,234	0	0	3,466
MONSANTO	254,524	258,150	0	0	0	0	3,626
MORRISON	17,450	13,232	0	0	0	4,218	0
MOUNTAINEER	6,644	6,408	0	0	0	236	0
MT-AIRY	16,861	120,170	0	0	0	0	103,309
MURPHY	746,039	613,069	0	0	0	132,970	0
N-AMER-PETRO	34,435	185,850	0	0	12,274	0	151,415
NATL-COOP	194,310	296,460	0	0	0	0	102,150
NAVAJO	290,521	313,150	63,701	0	0	0	22,629
NEVADA	15,221	36,284	0	0	0	0	21,063
NEW-EDGINGTON	769,870	671,092	191,369	0	255,074	98,778	0
NEW-ENGL-PETRO	0	342,715	0	342,715	0	0	342,715
NEWHALL	92,216	186,357	0	0	29,254	0	94,141
NORTHEAST-PETRO	0	53,433	0	53,433	0	0	53,433
NORTHLAND	32,315	32,315	9,918	0	0	0	0
OKC	135,832	209,293	0	0	0	0	73,461
OKLA-REF	-9,325	140,033	0	0	0	0	149,358
OXNARD	4,265	23,790	0	0	3,339	0	19,525
PEMEX	0	145,784**	0	0	0	0	145,784
PENNZOIL	451,889	283,174	0	0	0	168,715	0
PESTER	52,410	193,950	0	0	0	0	141,540
PHILLIPS	2,519,852	1,643,339	0	0	329	876,513	0
PHILLIPS-PR	0	185,737	0	185,737	0	0	185,737
PIONEER	38,164	51,923	0	0	8	0	13,759
PLACID	208,070	252,303	0	0	0	0	44,233
PLATEAU	86,865	155,783	0	0	0	0	68,918
POWERINE	350,507	549,388	156,414	0	105,841	0	194,881
PR-OLEFINS	0	16,041	0	16,041	0	0	16,041
PRIDE	94,767	155,184	0	0	0	0	60,417
PRINCETON	4,115	52,893	0	0	0	0	48,778

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
QUAKER-ST	26,596	191,183	0	0	0	0	164,587
RANCHO-REF	2,102	8,409	0	0	0	0	6,307
RAYMAL	2,606	25,544	0	0	0	0	22,938
RICHARDS	413	47,253	0	0	0	0	46,840
RICHCO	0	104,636**	0	0	0	0	104,636
ROAD-OIL	0	1,498	0	0	0	0	1,498
ROCK-ISLAND	167,582	302,557	0	0	0	0	134,975
SABER-TEX	14,103	284,697	0	0	0	0	270,594
SABRE-CAL	48,954	148,119	15,089	0	17,383	0	103,165
SAGE-CREEK	1,505	3,492	0	0	0	0	1,987
SAN-JOAQUIN	360,824	325,967	13,549	0	134,045	34,857	0
SEARS	0	41,984	0	41,984	0	0	41,984
SEMINOLE	11,075	81,731	0	0	0	0	70,656
SENTRY	-1,287	100,388	0	0	0	0	101,675
SHELL	9,226,683	6,156,810	0	0	513,105	3,069,873	0
SHEPHERD	0	97,447	0	0	0	0	97,447
SIGMOR	20,893	65,800	0	0	0	0	44,907
SO-HAMPTON	75,414	123,599	0	0	0	0	48,185
SOHIO	1,436,750	2,318,154	0	0	0	0	881,404
SOMERSET	28,061	43,223	0	0	0	0	15,162
SOUND	77,229	108,457	0	0	28,606	0	31,228
SOUTHERN-UNION	196,045	238,388	0	0	0	0	42,343
SOUTHLAND	397,328	327,108	130,327	0	0	70,220	0
SOUTHWESTERN	7,831	7,831	3,775	0	0	0	0
SPRAGUE	0	46,490	0	46,490	0	0	46,490
STEUART	0	238,680	0	238,680	0	0	238,680
SUNLAND	75,884	146,418	0	0	25,221	0	70,534
SUNOCO	3,718,994	3,009,837	67,135	0	0	709,157	0
SWANN	0	77,037	0	77,037	0	0	77,037
T&S	28,480	97,681	0	0	0	0	69,201
TARRICONE	0	26,111	0	26,111	0	0	26,111
TENNECO	664,181	418,095	0	0	3,730	248,086	0
TESORO	274,717	412,302	0	0	5,658	0	135,585
TEXACO	7,244,673	5,957,402	0	352,846	246,486	1,287,271	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
TEXAS-AMERICAN	28,993	94,799	0	0	0	0	65,806
TEXAS-ASPH	13,686	33,754	0	0	0	0	20,068 *****
TEXAS-CITY	528,509	488,199	0	0	0	40,310	0
THAGARD	147,682	184,299	28,265	0	45,220	0	36,617
THRIFTWAY	27,585	42,226	0	0	0	0	14,641
THUNDERBIRD	71,304	121,821	0	0	0	0	50,517
TIPPERARY	51,421	70,238	0	0	0	0	18,817
TONKAWA	26,271	50,222	0	0	0	0	23,951
TOSCO	1,452,958	1,533,823	376,587	0	432,533	0	80,865
TOTAL-PETROLEUM	154,245	388,363	0	0	0	0	234,118
UCC-CARIBE	0	154,429	0	154,429	0	0	154,429
UNI-REF	0	123,977	0	0	0	0	123,977
UNION-OIL	3,688,278	2,381,169	0	0	194,288	1,307,109	0
UNION-PETRO	0	44,641	0	44,641	0	0	44,641
UNTD-IND	0	1,884	0	0	0	0	1,884
UNTD-REF	33,140	300,559	0	0	0	0	267,419
US&SO-AMER	0	280,559**	0	0	0	0	280,559
US-OIL	14,643	181,172	0	0	4,518	0	166,529
USA-PETROCHEM	26,738	181,300	0	0	7,154	0	154,562
VAL-VERDE	195	2,417	0	0	0	0	2,222
VICKERS	168,790	385,317	0	0	0	0	216,527
WALLER	0	8,720	0	8,720	0	0	8,720
WARRIOR	67,994	50,006	14,964	0	0	17,988	0
WEST-COAST	85,912	148,614	0	0	41,991	0	62,702
WESTERN	66,030	107,514	0	0	0	0	41,484
WINSTON	109,216	143,603	0	0	0	0	34,387
WIRERACK	0	797	0	0	0	0	797
WITCO	81,863	201,290	0	0	26,497	0	119,427
WYATT	0	27,444	0	27,444	0	0	27,444
WYOMING	31,229	153,753	0	0	0	0	122,524
YETTER	-229	641	0	0	0	0	870
YOUNG	55,021	44,138	22,454	0	0	10,883	0
TOTAL	100,952,408	100,952,408	3,548,335	3,539,185	3,659,235	21,735,368	21,735,368

*See discussion in notice.

**Includes entitlements issued for sales of imported crude oil to the U.S. Government for storage in the Strategic Petroleum Reserve.

***Authorization to sell these entitlements is subject to conditions set forth in a DOE decision and order issued to Commonwealth Oil & Refining Co. on Mar. 20, 1978.

****This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in *Husky Oil Co.* v. *DOE, et al.*, Civ. Action No. C77-190-B (D. Wyo., filed Mar. 14, 1978), *remanded* —— F. 2d —— (No. 10-18 TECA, Aug. 10, 1978).

*****This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co.* v. *FEA*, Civ. Action No. 4-75-268 (N.D. Tex., filed Oct. 31, 1975).

[FR Doc. 78-32775 Filed 11-20-78; 9:38 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-210013; FRL 1011-6]

PESTICIDE PROGRAMS

Scientific Investigation; Request for Information

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (OPP, EPA).

ACTION: Notice of scientific investigation leading to development of report to Congress on methods of pesticide application.

SUMMARY: In accordance with section 27 of Pub. L. 95-396, the EPA has begun an in-depth investigation of all available scientific information pertaining to the advisability of low volume (LV) and ultra low volume (ULV) methods of pesticide applications. The terms "low volume" and "ultra-low volume" generally refer to the practice of applying a pesticide in a higher concentration of active ingredient (lower amount of diluent) than normally called for on pesticide labels, even though the amount of active ingredient applied per acre is the same as that called for on the product label. The practice is employed particularly in aerial application to increase efficiency by reducing the volume of finished spray applied, thus saving fuel and number of trips (time) required to treat any given area.

For the purposes of this investigation, ULV pesticide applications are limited to 3 gallons or less of use dilution per acre (3 g.p.a.) and LV pesticide applications are limited to less than 5 gallons of use dilution per acre (5 g.p.a.) but greater than 3 gallons of use dilution per acre (3 g.p.a.). It is the intention of the Agency to develop a report to Congress, and if necessary, regulations or advisory opinions on the following key issues: Efficacy (including the question of drift); environmental safety; human safety; and product performance. The Agency shall submit its findings and proposed recommendations to the Congress by March 31, 1978.

DATES: The information requested must be received on or before December 22, 1978.

ADDRESS MATERIAL TO: Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Room E-401, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard King, Registration Division (TS-767), Office of Pesticide Programs, EPA, Room 345, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-426-2510.

SUPPLEMENTARY INFORMATION: The Agency is soliciting written views from registrants and other interested parties concerning the efficacy, environmental safety, human safety, and product performance of ULV and LV pesticide applications. All information and materials sent to EPA as a result of this notice which comply with the guidelines stated herein will be considered in the Agency's determination. Such material, however, will not necessarily be referenced or included in any final document prepared by EPA.

A. Submission of Information: Confidentiality

A business confidentiality claim may be submitted covering part or all of the information submitted. Assertion of confidentiality is accomplished by placing on or attaching to the information a cover sheet upon which is stamped or typed, or appears in other suitable form, language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise nonconfidential documents should be clearly marked. If confidentiality is asserted, the information covered by the claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B (41 FR 36906, Sept. 1, 1976). If no confidentiality claim accompanies the submitted information, EPA will place the information in the public comment file where it will be available for public inspection. If confidentiality is asserted for a portion of the submitted information, the registrant should furnish two copies to EPA. The first should contain all of the submitted information with that claimed as confidential clearly identified; the second copy should be identical to the first except that all claimed confidential information should be deleted. The first copy will be treated in accordance with the procedures set out above. The second copy will be placed in the public comment file.

B. Public Inspection of Submitted Information

With the exception of confidential information, all written information and comments submitted in response to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days. Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since: (1) All of the information timely received will be considered before a final determination is made, and (2) the Agency may not publish a summary of all the information received in the Federal Register.

C. Guidelines for Submission

1. *Materials solicited.* All interested parties are invited to submit scientific information relative to ULV and LV pesticide applications. The Agency is particularly interested in information relative to efficacy, environmental safety, human safety, and product performance for ULV and LV insecticide, herbicide, and fungicide applications.

2. *Special materials.* a. Relevant unpublished research papers should bear the year research was completed, the purpose for which the research was done (i.e., graduate thesis), and the institution, organization, or company for which the research was performed.

b. Scientific comment on relevant, previously published research papers should be submitted with a copy of the original published material, if it is not readily available publicly. Submissions should include complete bibliographic citations of all materials utilized in preparing the comment.

3. *Procedures.* a. Initial submissions should be postmarked no later than thirty (30) calendar days after publication of this notice and should bear the identifying notation OPP-210013.

b. All material submitted must be in typed form and clearly legible and suitable for duplication by normal copying machines.

c. All material, other than general correspondence, should have the following front page format:

Topic
Author(s) full name
Author(s) full address (including ZIP code)
Author(s) telephone number (including area code)

d. Any material submitted in a foreign language should be accompanied by an English translation.

e. Information and comments received after the specified time period

will be considered only to the extent practicable.

f. All interested parties should direct their questions regarding the submission of any pertinent information on LV-ULV pesticide application to Mr. Richard King at the address cited above.

Dated: November 15, 1978.

DOUGLAS D. CAMPT,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-32710 Filed 11-21-78; 8:45 am]

[4110-12-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEARINGS

Universal Social Security Coverage Study

AGENCY: Universal Social Security Coverage Study, HEW.

ACTION: Notice is hereby given of public hearings of the Universal Social Security Coverage Study.

SUMMARY: In July 1978, the Secretary of Health, Education, and Welfare appointed Joseph W. Bartlett as Chairman of the Universal Social Security Coverage Study. The study is authorized under section 311 of the Social Security Amendments of 1977. The study has been charged by the Secretary with conducting a comprehensive examination of the feasibility and desirability of universal social security coverage. It is to report its findings and recommendations to the Secretary for transmittal to the Congress and the President by December 20, 1979.

In its investigation of the feasibility and desirability of mandating universal coverage, the study is examining all aspects of the retirement plans and nonprofit organizations that are not presently covered by social security. As part of its overall investigation, the study has identified a series of issues which it would like to consider in more depth and on which it would like to hear the views of the general public.

In order to facilitate public comment, the study has scheduled hearings in seven locations around the country.

The dates and locations are:

Boston, Mass.—December 19, 1978.
Baton Rouge, La.—January 10, 1979.
Washington, D.C.—January 24, 1979.
Albuquerque, N. Mex.—February 6, 1979.
San Francisco, Calif.—February 8, 1979.
Kansas City, Mo.—March 6, 1979.
Miami, Fla.—March 20, 1979.
Washington, D.C.—April 13, 1979.

Within the constraints of time, as many speakers as possible will be scheduled at each site. Persons unable to testify at the hearings may submit written comments for the record up to one week following the date of each hearing. Because of the time constraints, any witnesses with lengthy testimony are encouraged to present a synopsis of their statement and submit the written testimony for the record.

The study recognizes the complexity of universal coverage and the broad range of concerns that people have about this issue. To provide some focus for testimony at the hearings and for written comment, the study has prepared a list of issues that it views as having particular importance for its review of the program. The issues and questions set out in this statement are intended to organize public comments in a way that will be most useful to the study.

BACKGROUND ON THE ISSUE OF UNIVERSAL SOCIAL SECURITY COVERAGE

When the social security program was established in 1935, there were few retirement plans in private industry and less than 10 percent of the private industry labor force was protected by a pension program. Social Security was intended to fill this gap and to serve as a base upon which employer plans would be developed.

Currently some 90 percent of all workers in this country contribute to the social security program. While participation is mandatory for most types of employment, approximately 8 million jobs are exempt from participation in the program. The majority of these noncovered positions are in the Federal, State and local governments and nonprofit associations.

Federal workers were exempted from social security because the civil service retirement system—which had been in effect for nearly 15 years prior to the inception of social security—was considered adequate protection for Federal workers. State and local government workers were excluded from coverage largely because of a question over the constitutionality of mandating coverage for this group. While State and local government groups may voluntarily elect to participate in the social security system—indeed some 70 percent of all such workers are covered by the program—these groups may also elect to terminate coverage and withdraw from the program. The great majority of workers not covered by the social security system are covered by their own staff retirement plans.

In addition to the exempted Government workers, certain self-employed and part-time workers have also been exempted from the program largely because of their minimal annual net earnings, the irregularity of their work schedule and the administrative difficulty in maintaining their earnings records.

ISSUES FOR THE PUBLIC HEARINGS

While the study will examine numerous complex issues during its investigations, it is desired that the public hearings focus on certain specific issues. Witnesses should not feel they are limited to the questions outlined below; however, discussion of these topics is vital to the study's work:

1. How do retirement, survivor, disability, medical and other major benefits offered in noncovered employment compare with benefits available under social security?
2. How frequently do individuals working in jobs excluded from social security coverage obtain social security coverage through subsequent employment or previous employment?
3. How frequently do individuals working in jobs not covered by social security receive coverage through a spouse's coverage?
4. What are the "portability" provisions of the existing noncovered retirement plans? How are portability programs financed?
5. In those instances where a group has "withdrawn" from the social security program, how were staff retirement plans adjusted to compensate for the loss of that coverage?
6. Are there acceptable alternative methods for extending social security coverage to those workers who are not now participating in the program? With regard to these alternatives, what would be the

Transition problems involved in instituting such coverage.

Possible financial impacts on both employers and employees (contributions and other financing problems).

Potential impacts on staff or other retirement plans.

7. Are there desirable alternatives to mandatory or universal coverage? With regard to these alternatives, what would be the potential impact on employees and employers; and on existing retirement plans?
8. What are the legal ramifications of extending mandatory social security coverage to employees of State and local governments?

INFORMATION ON THE PUBLIC HEARINGS

The hearings will be conducted in a manner comparable to Congressional hearings. Each hearing will be from 9 a.m. to 12 noon and from 1 to 5 p.m. Participants will be permitted a maximum of 10 minutes each. Additionally, written statements may be offered by any person, including those who testify orally.

Requests to testify will be accepted from public officials, representatives of civic and public interest organizations, and concerned citizens. Time allotments of 10 minutes or less will be governed by the number of requests received. If the requests exceed the available time, prospective witnesses with similar views will be asked to combine their presentations. In the event that accommodations cannot be made, witnesses will be chosen by lot.

Any public official, representative of an organization, or individuals desiring to participate at the hearings should contact the Study at the address below, 30 days prior to the hearing, providing the following information: (1) Name; (2) business address; (3) telephone number during normal working hours; (4) capacity in which presentation will be made, i.e., public official, organization presentation, or citizen; (5) principal issues to be addressed and basic position on them; (6) time desired (which must be 10 minutes or less); and (7) text of presentation, if available. Late requests for testifying will be honored as time permits.

For additional background materials on any of the issues selected by the Study for discussion at the public hearings, and for requests to testify, write to:

Department of Health, Education and Welfare, Universal Social Security Coverage Study, Room 2311, Switzer Building, 330 C Street SW., Washington, D.C. 20201.

The public and the press are invited to attend the hearings which will be transcribed. The transcriptions and all written submissions will become part of the record of these proceedings.

General telephone inquiries should be directed to Ms. Leigh H. McDermott, telephone number 202-472-3590.

Dated: November 15, 1978.

RICHARD J. WALLACE,
Executive Director, Universal Social Security Coverage Study.

[FR Doc. 78-32588 Filed 11-21-78; 8:45 am]

[4110-89-M]

Office of the Secretary

ADVISORY COUNCIL ON EDUCATION STATISTICS

Meeting

Notice is hereby given, pursuant to section 10, Pub. L. 92-463, that a meeting of the Advisory Council on Education Statistics will be held on December 7, 1978, from 9 a.m. to 5 p.m., in Room 3000, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202. The meeting will be continued on December 8, 1978, from 9 a.m. to 12:30 p.m., at the same location.

The Advisory Council on Education Statistics is mandated by section 406(c) of the General Education Provisions Act as added by section 501(a) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1221e-1(c)), to advise the Secretary of the Department of Health, Education, and Welfare and the Assistant Secretary for Education, and the National Center for Education Statistics (NCES); and shall review general policies for the operation of the Center and shall be responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting agenda will include an Administrator's report summarizing recent developments regarding budget, staff, and major projects of the National Center for Education Statistics.

Other major topics will include an overview of the Center's program for fiscal year 1979, the content of future agendas, and the content of the Council's next annual report.

The meeting is open to the public; however, because of limited accommodations, those members of the public wishing to attend should make reservations by writing, no later than November 28, 1978, to Executive Director, Advisory Council on Education Statistics, Room 3153-E, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics, located at 400 Maryland Avenue SW., Washington, D.C. 20202.

Signed at Washington, D.C., on November 17, 1978.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

[FR Doc. 78-32777 Filed 11-21-78; 8:45 am]

[4110-39-M]

National Institute of Education

PANEL FOR THE REVIEW OF LABORATORY AND CENTER OPERATIONS

Meeting

Notice is hereby given that the next meeting of the panel for the review of laboratory and center operations will be held on December 9-10, at the Carnegie Endowment for International Peace, 11 Dupont Circle NW., Washington, D.C. The panel will meet from 9 a.m. until 5 p.m. on December 9 in room 800-D and from 9 a.m. until approximately 3 p.m. on December 10 in room 800-A.

The panel for the review of laboratory and center operations is established under section 405 of the General Education Provisions Act as amended by section 403(d) of the Education Amendments Act of 1976, 20 U.S.C. 1221e. Its functions include:

(a) Preparing recommendations on initial long-range funding and program plans submitted by the 17 education laboratories and research and development centers;

(b) Reviewing and assessing the operations of the laboratories and centers and making recommendations for the improvement and continuation of the individual laboratories and centers and for the support of new laboratories and centers.

The entire meeting will be open to the public. The meeting will be devoted primarily to conclusive discussion and editing of a draft of the panel's final report to the Director of the National Institute of Education and the Congress. The final report will be submitted to the NIE Director on December 15, 1978, and to Congress by January 1, 1979. The panel will also make plans for future activities.

Interested persons are invited to attend the session. Written statements relevant to an agenda item or any topic deemed of interest to the panel may be submitted to the panel staff at the address below.

Copies of the records of all panel proceedings may be obtained through the office of the panel staff. Minutes require approval by the panel at a subsequent meeting and are available to the public 2 weeks following their approval.

In order to verify the tentative agenda, or assure adequate seating arrangements, persons likely to attend the panel meeting may contact the panel staff office as indicated below:

Panel for the Review of Laboratory and Center Operations, National Institute of Education, Washington, D.C. 20208, 202-254-5830 or 254-5306.

Dated: November 20, 1978.

GRADY MCGONAGILL,
Staff Director, Panel for the Review of Laboratory and Centers Operations.

[FR Doc. 78-33081 Filed 11-21-78; 9:22 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-650; FDAA-3067-EM]

CALIFORNIA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of California (FDAA-3067-

EM), dated October 29, 1978 (43 FR 53829, Nov. 17, 1978).

DATE: November 6, 1978.

FOR FURTHER INFORMATION CONTACT:

A. C. Reid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive order 11795 of July 11, 1974, and delegated to me by Secretary under Department of Housing and Urban Development Delegation of Authority, docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143) notice is hereby given that on November 6, 1978, the President amended his emergency declaration of October 29, 1978, as follows:

I have determined that the impact of brush fires on the State of California is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such am emergency exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to donate Government-owned mobile homes to the State of California for the purpose of providing temporary housing under the provisions of section 404 of Pub. L. 93-288, and to implement such other portions of section 404 and section 408, "Individual and Family Grant Programs," as may be necessary. You are further authorized to allocate, from funds available for these purposes, such amounts as you find necessary for administrative expenses.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 78-32748 Filed 11-21-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WETLAND-RAPARIAN AREA PROTECTION AND MANAGEMENT

Policy and Protection Procedures—Interim Guidelines

Correction

In FR Doc. 78-31601 appearing at page 52179 in the issue for Wednesday, November 8, 1978, the date of deadline for comments now given as "January 8, 1978" should have been "January 8, 1979".

[4310-31-M]

Geological Survey

COAL LAND CLASSIFICATION ORDER COLORADO NO. 143

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, COLORADO

RECLASSIFIED COAL LAND FROM NONCOAL LAND

Prior classification of the following subdivisions as noncoal land is hereby revoked and the land is reclassified as coal land:

T. 3 N., R. 95 W.,
Sec. 16, lots 17, 18, and 20;
Sec. 17, lots 1, 4, 5, and 8.

The area described aggregates 139 acres (56 ha), more or less, of which all are reclassified as coal land.

Dated: November 13, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-32763 Filed 11-22-78; 8:45 am]

[4310-84-M]

Bureau of Land Management

[Colorado 24128g]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

NOVEMBER 15, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 4¼-inch o.d. natural gas pipeline for the Philadelphia Creek Gathering System approximately 0.680 mile long, across the following public lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2 S., R. 100 W.,
Sec. 7, NW¼NW¼.
T. 2 S., R. 101 W.,
Sec. 12, NE¼.

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

JOHN R. BERNICK,
Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 78-32758 Filed 11-22-78; 8:45 am]

[4310-84-M]

[M 42189]

MONTANA

Application

NOVEMBER 14, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Red Rock Land Corp. filed an application for a right-of-way to construct a 1-inch pipeline for the purpose of transporting natural gas across the following described public lands:

PRINCIPAL MERIDIAN, MONTANA

T. 33 N., R. 17 E.,
Sec. 11, NE¼SW¼ and N½SE¼; and
Sec. 12, N½SW¼.

The pipeline will transport natural gas from an existing pipeline across 1.14 miles of public land in Blaine County. The gas will be used by the corporation for heating purposes.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and, if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Drawer 1160, Lewistown, Mont. 59457.

KENNETH J. SIRE,
Acting Chief, Branch of Lands and Mineral Operations.

[FR Doc. 78-32744 Filed 11-21-78; 8:45 am]

[4310-84-M]

[NM 35263, 35264, and 35269]

NEW MEXICO

Applications

NOVEMBER 13, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipeline and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. SW.,
Sec. 14, W½NW¼ and SE¼NW¼.
T. 31 N., R. 11 W.,
Sec. 8, E½SE¼;
Sec. 17, W½SE¼;
Sec. 20, NW¼NE¼ and NE¼NW¼.

These pipelines will convey natural gas across 0.848 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

RAUL E. MARTINEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-32745 Filed 11-21-78; 8:45 am]

[4310-84-M]

[NM 35256]

NEW MEXICO

Application

NOVEMBER 13, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 33 E.,
Sec. 14, E½NE¼.

This pipeline will convey natural gas across 0.045 of a mile of public land in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

RAUL E. MARTINEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-32746 Filed 11-21-78; 8:45 am]

[4310-84-M]

[Colorado C-27352]

NORTHWEST PIPELINE CORP.

Pipeline Application

NOVEMBER 15, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½-inch o.d. natural gas pipeline, approximately 1.193 miles long, across the following public lands in Garfield County:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 7 S., R. 91 W.,
Sec. 20 and 22.

The proposed lateral pipelines will enable the applicant to convey natural gas from the Rifle-Boulton No. 1 well to an existing Mountain Fuel Gathering System.

The purposes of this notice are: (1) To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; (2) to allow interested parties to comment on the application; and (3) to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bonafide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Team Leader, Canon City-Grand Junction, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

EDWARD KOETEEUW,
Acting Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 78-32759 Filed 11-21-78; 8:45 am]

[4310-84-M]

[NM 35253 and 35255]

NEW MEXICO

Applications

NOVEMBER 13, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 10W.,
Sec. 24, lots 10 and 15.
T. 31 N., R. 11 W.,
Sec. 8, SW¼NE¼ and SE¼NW¼.

These pipelines will convey natural gas across 0.544 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-32760 Filed 11-21-78; 8:45 am]

[4310-84-M]

[Wyoming 65495]

WYOMING

Application

NOVEMBER 13, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 4½-inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 113 W.,
Sec. 34, N½SW¼.

The pipeline will transport natural gas from a point in the NW¼SW¼ of sec. 34 to a point of connection with Northwest Pipeline Corp.'s existing pipeline designated as "Trunk N" in the NE¼SW¼ of sec. 34, T. 30 N., R. 113 W., Sublette County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-32761 Filed 11-21-78; 8:45 am]

[4310-84-M]

[W-65100]

WYOMING

Application

NOVEMBER 8, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 4½ o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 111 W.,
Sec. 19, lots 2, 3, 4, and SE¼NW¼.
T. 27 N., R. 112 W.,
Sec. 24, SE¼SE¼;
Sec. 25, NE¼NE¼.

The pipeline will transport natural gas produced from the Federal 10-19 well located in the SE¼NW¼ of sec. 19, T. 27 N., R. 111 W., to a point of connection with Northwest Pipeline Corp.'s existing pipeline in the NE¼NE¼ of sec. 25, T. 27 N., R. 112 W., Sublette County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application would be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-32762 Filed 11-21-78; 8:45 am]

[4310-84-M]

CALIFORNIA DESERT CONSERVATION AREA

Public Land Use Restrictions

There are 69 visitor use oriented restrictions in effect for public land areas in the California Desert Conservation Area. These restrictions were developed under authority of Title 43, Code of Federal Regulations, §§ 8363.2-2, 8363.1-6, and 8364.1 (previously 43 CFR 6010.2 and 6010.4, 1977 Ed.). The enactment of Pub. L. 94-579 on October 21, 1976, makes it a criminal offense to knowlingly and willfully violate any rule of conduct or any closure order promulgated under these regulations. The criminal penalty for any such violation is a fine of not more than $1,000 or imprisonment for not more than 12 months, or both as prescribed by 43 CFR 8363.5 and 8364.2

All 69 restrictions now in effect in the California Desert Conservation Area are being listed as a group to provide for improved public awareness of the restrictions now in effect and to provide additional notice to the public that any violation of these restrictions is a crime punishable by law.

The 69 restricted areas and type of restriction apply only to the public lands administered by the Bureau of Land Management. A map of these areas and additional information detailing specific restrictions is available on request. Write to State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, Calif. 95825.

DESIGNATED AREA AND RESTRICTION

1. North Saline Valley, vehicle closure.
2. Saline-Panamint, vehicle use only on existing roads and trails.
3. Darwin Falls, vehicle closure.
4. Walker Pass, vehicle use only on existing roads and trails.
5. Owens Peak, vehicle closure.
6. El Paso Mountain, vehicle closure.
7. Lone Tree Canyon, vehicle use only on existing roads and trails.
8. Jawbone Canyon, vehicle use only on existing roads and trails.
9. Tortoise Preserve, vehicle closure.
10. Argus Range Primitive Area, vehicle closure.
11. North Searles, vehicle use only on existing roads and trails.
12. Trona Pinnacles, vehicle use only on existing roads and trails.
13. Red Mountain Cuddeback, vehicle use only on existing roads and trails.
14. Lava Mountain Primitive Area, vehicle closure.
15. Golden Valley, vehicle use only on existing roads and trails.
16. Fremont Peak, vehicle use only on existing roads and trails.
17. Fremont Research Natural Area, vehicle use only on existing roads and trails.
18. Calico/Coyote Lake, vehicle use only on existing roads and trails.
19. Amargosa Canyon, vehicle closure.
20. Dumont Dunes, vehicle use only on existing roads and trails.
21. Kingston Mountain, vehicle use only on existing roads and trails.
22. Ivanpah Valley, vehicle use only on existing roads and trails.
23. Clark Mountain, vehicle closure.
24. Eastern Mojave, vehicle use only on existing roads and trails.
25. Kelso Dunes, vehicle closure.
26. Mojave Basin, vehicle use only on existing roads and trails.
27. El Mirage Lake, vehicle use only on existing roads and trails.
28. Shadow Mountain, vehicle use only on existing roads and trails.
29. Kramer Hills-Iron Mountain, vehicle use only on existing roads and trails.
30. Stoddard Valley, vehicle use only on existing roads and trails.
31. Bigelow Cholla, vehicle closure.
32. Needles, vehicle use only on existing roads and trails.
33. Whipple Mountain, vehicle closure.
34. Turtle Mountain—Interior, vehicle closure.
35. Turtle Mountain—Perimeter, vehicle use only on existing roads and trails.
36. Old Women Mountain, vehicle use only on existing roads and trails.
37. Cadiz Valley/Ranby Lake, vehicle use only on existing roads and trails.
38. Dale District, vehicle use only on existing roads and trails.
39. East Morongo, vehicle use only on existing roads and trails.
40. Whitewater, vehicle use only on existing roads and trails.
41. Bighorn, vehicle use only on existing roads and trails.
42. Grapevine, vehicle use only on existing roads and trails.
43. Desert Lily, vehicle closure.
44. Palen Dry Lake, vehicle use only on existing roads and trails.
45. Big Chuckwalla Mountain, vehicle use only on existing roads and trails.
46. Orocopia Foothills, vehicle use only on existing roads and trails.
47. Orocopia Mountains, vehicle closure.
48. Mecca Hills Foothills, vehicle use only on existing roads and trails.
49. Mecca Hills Interior, vehicle closure.
50. Salt Creek, vehicle closure.
51. Santa Rosa Mountain, vehicle use only on existing roads and trails.
52. San Felipe, vehicle use only on existing roads and trails.
53. Superstition Hills, vehicle use only on existing roads and trails.
54. San Sebastion Marsh, vehicle closure.
55. Coyote Mountain, vehicle use only on existing roads and trails.
56. NW and Upper Coyote Mountain Range, vehicle closure.
57. Yuha Basin, vehicle use only on existing roads and trails.
58. Davies Valley, vehicle use only on existing roads and trails.

59. West and SE Areas of Davies Valley, vehicle closure.
60. Crucifixion Thorn, vehicle closure.
61. Pinto Wash, vehicle use only on existing roads and trails.
62. Area between Pinto Wash, and International Boundary, vehicle closure.
63. Glamis/Imperial San Dunes (North), vehicle closure.
64. East Mesa, vehicle use only on existing roads and trails.
65. Plank Road, vehicle use only on existing roads and trails.
66. Picacho, vehicle use only on existing roads and trails.
67. Squaw Spring, road closure, no camping, 30-minutes maximum use time.
68. Eureka Dunes, vehicle closure.
69. Fossil Falls, road closure.

Effective Date: These restrictions became effective when they were previously finalized and became enforceable as criminal violations with the passage of Pub. L. 94-579 on October 21, 1976.

Dated: November 13, 1978.

ED HASTEY,
State Director.

[FR Doc. 78-32717 Filed 11-21-78; 8:45 am]

[4310-10-M]

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD—PACIFIC REGION

Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Pacific Regional Board will meet during the period 8 p.m. to 10 p.m., December 13, 1978, at the Doubletree Inn, Monterey, Calif.

The meeting will cover the following principal subjects:

The meeting will cover the following principal subjects:

(1) Puget Sound oil transportation issues.

(2) Navigation Safety—OCS development conflicts off California.

(3) Joint Federal-State lease sale, Beaufort Sea, Alaska.

The meeting is open to the public. Interested persons may make oral or written presentations to the Board. Such requests should be made by December 6 to the Pacific Board Chairman:

Michael Fischer, Executive Director, California Coastal Commission, 631 Howard Street, San Francisco, Calif. 94105, 415-543-8555.

Minutes of the meeting will be available for public inspection and copying 6 weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets NW., Washington, D.C.

RAYMOND A. KARAM,
Acting Director, Office of OCS Program Coordination.

NOVEMBER 14, 1978.

[FR Doc. 78-32764 Filed 11-21-78; 8:45 am]

[4310-10-M]

Office of the Secretary

ALASKA NATIONAL INTEREST LANDS PROPOSAL

Draft Supplement to Final Environmental Statement; Extension of Period for Public Review and Comment

Notice is hereby given that the Department of the Interior has extended from November 20, 1978, to November 22, 1978, the period for public review and comment on the Draft Supplement to the environmental evaluation made in 1974 on the Alaska National Interest Lands proposed under section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971.

Dated: November 20, 1978.

LEO KRULITZ,
Solicitor of the Interior.

[FR Doc. 78-32844 Filed 11-21-78; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-52]

CERTAIN APPARATUS FOR THE CONTINUOUS PRODUCTION OF COPPER ROD

Notice Designating This Investigation as More Complicated

BACKGROUND

On September 27, 1978, complainant, Southwire Co., made an ex parte application for a subpena duces tecum against Asarco, a competitor not named as a respondent in the notice of investigation, which resulted in a subpena requiring Asarco to permit certain attorneys and technical experts to enter the premises of Asarco and to make an inspection of the Hazelett/Krupp system for casting copper rod and to take photographs of the system beginning October 12, 1978. Asarco moved (motion docket No. 52-50) to quash the subpena on the ground that it exceeds the authority of the presiding officer and the Commission. The motion to quash was granted by the presiding officer, Judge Saxon. Thereupon, complainant filed, under rule 210.60(b) (19 CFR 210.60(b)), an application for review of Judge Saxon's ruling granting the motion to quash the subpena filed by Asarco. On October 26, 1978, Judge Saxon made a determination under rule 210.60 allowing complainant's application for review. She determined that the order granting Asarco's motion to quash involves a controlling question of law as to which there is substantial ground for difference of opinion, and subsequent review will be an inadequate remedy. Southwire had requested a stay of the investigation until the above issues were resolved. Judge Saxon refused this, since, under Commission rules, the hearing must be completed by January 22, 1979. She then recommended, however, that the case be designated "more complicated" pursuant to 19 U.S.C. 1337 and 19 CFR 210.15, so that additional time could be made available for discovery in the event that Asarco's motion to quash is denied. The presiding officer's determination of October 26, 1978, thus presents the Commission with two determinations: (1) The disposition of complainant's appeal of the order granting Asarco's motion to quash, and (2) the recommendation that the investigation be designated as "more complicated."

By designating an investigation as "more complicated," the period within which the investigation must be completed is extended from 12 months to 18 months.

Commission order: After considering the presiding officer's determination under rule 210.60, allowing an application for review, as well as the complexity of issues and the great volume of technical evidentiary materials present in this investigation, the Commission grants the motion of the presiding officer designating the investigation as more complicated. The Commission holds in abeyance its determination on complainant's interlocutory appeal of the order on the motion to quash.

Opinion: Section 337 of the Tariff Act of 1930, as amended, provides that the Commission shall conclude its investigation "at the earliest practicable time, but not later than 1 year (18 months in more complicated cases) after the date of publication of notice of such investigation." (19 U.S.C. 1337(b)(1).) Last month, the Commission denied a motion by complainant to designate the investigation as more complicated, while granting the presiding officer's request to extend the deadline for completion of the hearing from December 22, 1978, to January 22, 1979, under rule 210.41(e)(1) (19 CFR 210.41(e)(1)). The presiding officer's recommendation, adopted by the Commission at that time, was that it was not necessary to designate the investigation at that time as more complicated, and that a 1-month extension would probably allow the parties adequate time to prepare for the hearing.

It is clear now that 1 month is inadequate in view of the substantive issues raised by the motion of Asarco to quash the subpoena. The Commission believes that the presiding officer's recommendation for designating the investigation as more complicated is separable from the complainant's appeal of the order on the motion to quash, because, regardless of the Commission's decision with respect to the interlocutory appeal, the complexity of the issues and the great volume of technical evidentiary materials warrant a designation of the investigation more complicated. If the Commission denies Asarco's motion to quash, and allows complainant to conduct an onsite inspection of the machinery, additional time for discovery will be required. Even if a new trial time schedule which would allow for completion of the final hearing by January 22, 1979, were established, proper preparation for a trial would be very difficult and could prejudice both parties' rights to a fair hearing. Should the Commission grant Asarco's motion to quash, the Commission's designation of this case as more complicated would allow the presiding officer the flexibility with which to complete discovery and prepare for the trial. The investigative attorney and complainant have also strongly recommended that the investigation be designated as more complicated. Respondents, however, oppose such designation. The Commission adopts the position of the presiding officer to designate the investigation as more complicated.

Section 337(b)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1337(b)(1)), requires that the Commission complete its investigation at the earliest practicable time, but not later than 12 months, or 18 months in more complicated cases, after publication of notice of the investigation. Commission rule 210.15 (19 CFR 210.15) establishes the criteria under which the Commission must decide whether or not to designate the investigation as more complicated. These are complexity of subject matter; difficulty in obtaining information; or large number of parties involved. It is abundantly clear that all three criteria have been met, although the rule requires only that one of the criteria be met. The requirement that information be difficult to obtain is certainly met by the overall question whether the Commission may issue a subpena to allow complainant to inspect, and obtain information from, the facilities of a nonparty, here Asarco. The requirement that the investigation involve complex subject matter is also met. The subpena which Asarco desires the Commission to quash, as well as several other motions pending before the Commission, demonstrates this. These motions include a motion by complainant to amend the complaint by adding another patent to the scope of the investigation and a motion by some respondents to terminate the investigation with respect to some of the patents which are within the scope of this investigation. Finally, the requirement that there be a large number of parties involved is met, additionally because rights of a nonparty, Asarco, are also involved. Thus, the Commission determines that the criteria established by rule 210.15 have been met.

The Commission therefore grants the motion designating this a "more complicated" case.

Issued: November 17, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-32806 Filed 11-21-78; 8:45 am]

[7020-02-M]

Investigation No. 337-TA-59

PUMP TOP INSULATED CONTAINERS

Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as presiding officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: November 16, 1978.

DONALD K. DUVALL,
Chief Administrative Law Judge.

[FR Doc. 78-32805 Filed 11-21-78; 8:45 am]

[4410-09-M]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated September 19, 1978, and published in the FEDERAL REGISTER on September 26, 1978 (43 FR 43571), the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Pharmaceuticals Division, Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901 (August 7, 1978):

Drug:	*Schedule*
Methylphenidate (1724)	II

Eli Lilly & Co., Tippecanoe Laboratory, Box 685, Lilly Road, Lafayette, Ind. 47902 (August 21, 1978):

Drug:	*Schedule*
Methadone (9250)	II
Methadone-intermediate (9254)	II

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Administrator hereby orders that the application submitted by each of the above firms for registration as bulk manufacturers of the basic class of controlled substances listed therein are granted.

Dated: November 15, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-32778 Filed 11-21-78; 8:45 am]

[4410-10-M]

Immigration and Naturalization Service

FEDERAL ADVISORY COMMITTEE ON IMMIGRATION AND NATURALIZATION

Meeting

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of meeting.

SUMMARY: This notice announces the meeting of the Federal Advisory Committee on Immigration and Naturalization to be held in Washington, D.C., on December 7-8, 1978.

FOR FURTHER INFORMATION CONTACT:

Arnold Flores, Special Assistant to the Commissioner of Immigration and Naturalization for Labor Liaison, Room 7056, 425 Eye Street NW., Washington, D.C. 20536, telephone 202-376-8211 or 202-376-8233.

SUPPLEMENTARY INFORMATION AND MEETING AGENDA: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Federal Advisory Committee on Immigration and Naturalization. (All Subcommittees will have work sessions on December 7, 1978, from 3 to 6 p.m., prior to commencement of the formal Federal Advisory Committee meeting.) The meetings will start at 8:30 a.m. and end at 5:30 p.m., on Friday, December 8, 1978, at the Central Office of the Immigration and Naturalization Service, INS Conference Room 7061, 425 Eye Street NW., Washington, D.C.

FEDERAL ADVISORY COMMITTEE AGENDA

December 7, 1978, 3 to 6 p.m., Internal Subcommittee Work Sessions.

December 8, 1978:

I. Call to order.
II. Welcoming remarks by the Commissioner.
III. Review of agenda topics.
IV. Reading of minutes.
V. Staff presentations:
A. Immigration—A legislative update.
B. INS-CETA program.
C. Displacement research.
D. Office for refugee and parole.
VI. Public commentary.
VII. Travel information to FAC.
VIII. INS-DOL—(Wage and hour)—effort.
IX. Senate legislative review.
X. Subcommittee reports.
XI. Formal recommendation to the Commissioner.
XII. Meeting adjourns.

Attendance if open to the interested public on a space available basis. Persons or groups wishing to attend the meeting or make public commentary should address a letter to Mr. Arnold Flores at the address shown above.

Dated: November 17, 1978.

LEONEL J. CASTILLO,
Commissioner,
Immigration and Naturalization.

[FR Doc. 78-32801 Filed 11-21-78; 8:45 am]

[7537-01-M]

NATIONAL ENDOWMENT ON THE ARTS AND THE HUMANITIES

SPECIAL PROJECTS ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Special Projects Advisory Committee to the National Council on the Arts will take place December 8, 1978, from 9 a.m. to 5:30 p.m.; December 9, 1978, from 9 a.m. to 5:30 p.m., in Room 1130 of the Columbia Plaza Office Building, 2401 E Street, Northwest, Washington, D.C. 20506.

This meeting is for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and 9(B) of Section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

NOVEMBER 16, 1978.

[FR Doc. 78-32747 Filed 11-21-78; 8:45 am]

[4410-01-M]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

EXTENSION OF TIME TO RECEIVE COMMENTS

Notice is hereby given that, pursuant to the direction of the Chairman, the record of the National Commission for the Review of Antitrust Laws and Procedures ("Commission") will be kept open until December 1, 1978, to receive public comment on the following subjects: (i) The proposed consolidation of the antitrust enforcement responsibilities of the Federal Trade Commission and the Antitrust Division of the Department of Justice; (ii) the desirability of retaining the exemption from the antitrust laws afforded to export trade associations under the provisions of the Webb-Pomerene Act (15 U.S.C. § 61, et seq.; 40 Stat. 516, et seq.); and (iii) the views on antitrust immunities and exemptions previously expressed by the members of the economic advisory panel of the Commission. Written statements by interested persons are solicited on the foregoing subjects and should be submitted by the aforesaid date to the Commission office (Attention: Ms. Deana Harvell), Room 7315, 10th and Pennsylvania NW., Washington, D.C. 20530.

Dated: November 17, 1978.

WENDELL B. ALCORN, Jr.,
Special Counsel.

[FR Doc. 78-32750 Filed 11-21-78; 8:45 am]

[4410-01-M]

PUBLIC MEETING

In accordance with Executive Order 12,022 and section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is hereby given that the National Commission for the Review of Antitrust Laws and Procedures (hereinafter "Commission"), will hold a public meeting on Friday, December 7, 1978 beginning at 9:30 a.m. in Room 2141, Rayburn House Office Building, Independence and South Capital Streets SW., Washington, D.C.

The purpose of the meeting is to consider matters relating to the Commission's final report to the President and the Attorney General.

Dated: November 17, 1978.

WENDELL B. ALCORN, Jr.,
Special Counsel.

[FR Doc. 78-32749 Filed 11-21-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-592-A and STN 50-593-A]

ARIZONA PUBLIC SERVICE CO. ET AL.; PALO VERDE NUCLEAR GENERATING STATION, UNITS 4 AND 5

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Arizona Public Service Co., pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on July 28, 1978, information requested by the Attorney General for antitrust review as required by 10 CFR part 50, Appendix L. The information concerns additional ownership participants, Nevada Power Co., San Diego Gas & Electric Co., Los Angeles Department of Water and Power, and the cities of Anaheim, Burbank, Glendale, Pasadena, and Riverside, Calif., for the Palo Verde Nuclear Generating Station, Units 4 and 5 located in Maricopa County, Ariz.

This additional antitrust information was filed in connection with the Arizona Public Service Co.'s applications for construction permits and operating licenses for the Palo Verde Nuclear Generating Station, Units 4 and 5.

The original "Notice of Receipt of Antitrust Information and Application for Construction Permits and Operating Licenses; Time for Submission of Views on Antitrust Matter" was published in the FEDERAL REGISTER on May 8, 1978 (43 FR 19729).

A copy of the Arizona Public Service Co. letter, dated July 28, 1978, and the above-stated documents are available for public examination and copying for a fee at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Ariz. 85004.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attn: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have their views on the antitrust matters with respect to the Nevada Power Co., San

Diego Gas & Electric Co., Los Angeles Department of Water and Power, and the cities of Anaheim, Burbank, Glendale, Pasadena, and Riverside, Calif., presented to the Attorney General should submit such views for consideration to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Chief Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before January 22, 1979.

Dated at Bethesda, Md., this 13th day of November 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 78-32556 Filed 11-21-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-42 and DPR-60 issued to Northern States Power Co. (the licensee), for operation of the Prairie Island Nuclear Generating Plant, unit Nos. 1 and 2 located in Goodhue County, Minn.

The amendments would revise the provisions in the technical specifications relating to the use of fuel manufactured by the Exxon Nuclear Co., Inc. in cycles 5 through 8 in accordance with the licensee's application for amendment dated September 8, 1978.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 22, 1978, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "rules of practice for domestic licensing proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial; or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene, become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 800-325-6000 in Missouri 800-342-6700. The Western Union operator should be given Datagram Identification No. 3737 and the following mesage addressed to A. Schwencer: (Petitioner's name and telephone number); (date petition was mailed); (Prairie Island Nuclear Generating Plant, unit No. 1 and 2); and (Publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the grainting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(i)-(v) and § 2.714(d).

Dated at Bethesda, Md., this 9th day of November, 1978.

For the Nuclear Regulatory Commission,

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-32676 Filed 11-21-78; 8:45 am]

[7590-01-M]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on December 7-9, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. This meeting of the ACRS was previously noticed in the FEDERAL REGISTER on October 20, 1978 (43 FR 49080).

The agenda for the subject meeting will be as follows:

THURSDAY, DECEMBER 7, 1978

8:30 a.m.-12:30 p.m. and 1:30-5 p.m.: Executive Session (open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will also discuss its

proposed annual report to the U.S. Congress regarding the Nuclear Regulatory Commission (NRC) safety research program.

FRIDAY, DECEMBER 8, 1978

8:30-10:30 a.m.: Executive Session (open)—The Committee will discuss its proposed annual report to the U.S. Congress regarding the NRC safety research program.

10:30 a.m.-12:45 p.m.: Meeting with NRC Staff (open)—The Committee will hear and discuss a status report on action regarding resolution of anticipated transients without scram.

The anticipated schedule for future Committee activities will also be discussed.

1:45-5:30 p.m.: Executive Session (open)—The Committee will discuss its proposed annual report to the U.S. Congress regarding the NRC safety research program.

SATURDAY, DECEMBER 9, 1978

8:30-9 a.m.: Executive Session (closed)—The Committee will discuss the qualifications of nominees and will select ACRS officers for calendar year 1979.

9 a.m.-12:30 p.m. and 1:30-4 p.m.: Executive Session (open)—The Committee will discuss its proposed annual report to the U.S. Congress regarding the NRC safety research program. The Committee will also discuss a proposed report to the NRC regarding the combination of dynamic loads in the design of nuclear facilities

Procedures for the conduct of and participation in ACRS meetings were outlined in the FEDERAL REGISTER on October 4, 1978, page 45926. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, telephone 202-634-3265, between 8:15 a.m. and 5 p.m. e.s.t.

Dated: November 16, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer

[FR Doc. 78-32677 Filed 11-21-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-338A, 50-339A, 50-404A and 50-405A]

VIRGINIA ELECTRIC & POWER CO. ET AL.

Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Virginia Electric & Power Co., pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on September 1, 1978, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. The information concerns two additional ownership participants, Old Dominion Electric Cooperative and North Carolina Electric Membership Corp. for the North Anna Power Station, Units 1, 2, 3, and 4 located on the south shore of Lake Anna in Louisa County, Va.

The information was filed in connection with the Virginia Electric & Power Co.'s applications for construction permits and operating licenses for the North Anna Power Station, Units 1, 2, 3, and 4. Unit 1 of the station is operating and Units 2, 3, and 4 are under construction. The information submitted by Virginia Electric & Power Co. is the first part of the application for Amendments to the North Anna Power station, Unit 1 operating license and construction permits for Units 2, 3, and 4.

The original "Notice of Application for Construction Permit and Operating License," for the North Anna Power Station, Units 1 and 2 included the antitrust aspects of the application and was published in the FEDERAL REGISTER on December 30, 1970 (35 FR 19805). The original antitrust portion of the application for Units 3 and 4, "Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters," was published in the FEDERAL REGISTER on October 28, 1971 (36 FR 20709).

A copy of the Virginia Electric & Power Co. letter, dated September 1, 1978, and above stated documents are available for public examination and copying for a fee at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Va. 22901 and Office of the Board of Supervisors, Louisa County Courthouse, Main Street (P.O. Box 27), Louisa, Va. 23093.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to Old Dominion Electric Cooperative and North Carolina Electric Membership Corporation presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission: Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation on or before January 2, 1979.

Dated at Bethesda, Md., this 23d day of October, 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 78-30679 Filed 11-7-78; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 16, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes:

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF ENERGY

Application for Determination of Maximum Lawful Price Under the Natural Gas Policy Act of 1978
FERC-121
On occasion
Natural gas producers
60,000 resources; 15,000 hours
Hill, Jefferson B., 395-5867

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service
Food stamp workfare demonstration project
Other (see SF-83)
Political subdivisions
12,574 responses; 1,295 hours
Ellett, C. A., 395-6132

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration
Study of the Prescription Experience of Clients in Drug Programs (Study No. 3)
Single-time
Drug treatment program clients
1,200 responses; 267 hours
Office of Federal Statistical Policy and Standard, 673-7956.

Alcohol, Drug Abuse and Mental Health Administration
Patterns of Sedative and Hypnotic Drug Consumption No. 4
Single-time
Clients in prepaid health plan
300 responses; 150 hours
Office of Federal Statistical Policy and Standard, 673-7956

REVISIONS

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration
Privacy and Security Certification/Information
LEAA 6600/8
Annually
State and local criminal justice agencies covered by 28 CFR Part 20
1,000 responses; 500 hours
Laverne V. Collins, 395-3214

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
Drug Experience Report (short form)
FD 1639A
On occasion
Physicians and other medical professionals
31,500 responses; 2,625 hours
Richard Eisinger, 395-3214

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-32770 Filed 11-21-78; 8:45 am]

[3110-01-M]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 15, 1978 (44 U.S.C. 3509). The purpose of publshing this list in the FEDERAL REGISTER is to inform the public.

The list includes:

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the informationis proposed to be collected;

An indication of, who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Visiting Women Scientists Program Forms
Single time
Women scientists
15,655 responses; 1,614 hours
Laverne V. Collins, 395-3214

REVISIONS

COMMUNITY SERVICES ADMINISTRATION

Survey Instruments—Weatherization Evaluation
Single time
Local CAA staff; weatherization applicants and clients
Reese, B. F., 395-3211

DEPARTMENT OF COMMERCE

Bureau of Census
Shipper's Export Declaration and Continuation Sheet
To Shipper's Export Declaration
7525-V
On occasion
Exporters of merchandise from the United States
5,000,000 responses; 794,000 hours
Office of Federal Statistical Policy and Standard, 673-7956

DEPARTMENT OF STATE

Department of State (Excluding Aid and Action)
Registration/Applicant Record Form
DSP-24
Annually
Individuals seeking employment
21,531 responses; 5,382 hours
Marsha Traynham, 395-3773

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census
Shipper's Export Declaration and Continuation Sheet
To Shipper's Export Declaration
7525-V-ALT
On occasion
Exporters of merchandise from the United States
2,000,000 responses; 334,000 hours
Office of Federal Statistical Policy and Standard, 6673-7977

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-32771 Filed 11-21-78; 8:45 am]

[7715-01-M]

POSTAL RATE COMMISSION

VISIT TO POSTAL FACILITY

NOVEMBER 15, 1978.

Notice is hereby given that employees of the Postal Rate Commission will be visiting the Rates and Classification Department, U.S. Postal Service Headquarters, L'Enfant Plaza, on December 4, 1978, at 10 a.m., for the general purpose of identifying ways to simplify and/or expedite the flow of required information pertaining to rate case cost attributions using computer capabilities to the maximum extent possible.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's Docket room.

By direction of the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc. 78-32765 Filed 11-21-78; 8:45 am]

[4710-08-M]

DEPARTMENT OF STATE

[Public Notice 632]

IMPROVEMENT OF GOVERNMENT REGULATIONS

Implementation of Executive Order No. 12044

AGENCY: Department of State.

ACTION: Final report.

SUMMARY: The Department of State's proposal for implementing Executive Order No. 12044, dated March 23, 1978 (43 FR 12661, Mar. 24, 1978) was published in the FEDERAL REGISTER on May 25, 1978 (43 FR 22589) for public comment. One general comment was received requiring no change.

FOR FURTHER INFORMATION CONTACT:

K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 5423, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-2350.

SUPPLEMENTARY INFORMATION: The regulations listed as having been specially selected for review are not going to be so reviewed and therefore are being deleted from the final report. Those regulations, like all others, will be reviewed by May 15, 1979.

In accordance with the requirements of section 5(b) of the order, the final report for implementation of Executive Order No. 12044 will read as set forth below.

Dated: October 4, 1978.

BEN H. READ,
Deputy Under Secretary for Management.

1. IDENTIFICATION OF REGULATIONS

Most of the regulations proposed and issued by the Department of State are exempt from the requirements of the Executive order because they (a) relate to foreign affairs functions of the United States;[1] (b) related to Federal Government procurement activity; (c) are governed by short-term requirements of Executive orders, public laws, and other legally binding actions which do not allow the 60-day requirement for public participation; or (d) relate to the internal managment of the Department. Section 6(b) of the order exempts regulations in these categories.

Regulations which are not exempt from 6(b) of the order appear to be the following:

(a) Nationality regulations (22 CFR Part 50);

(b) Special consular services regulations (22 CFR Parts 71, 72, 87, 92, and 93);

(c) Civil aviation regulation (22 CFR Part 102);

(d) Freedom of Information and Privacy Act regulations (22 CFR Part 6 and 6a);

(e) Council on Environmental Quality implementing regulations;

(f) Flood plain and wetlands protection regulations; and

(g) Public participation in proceedings, advisory committee meetings and delegations to international conferences.

2. COMMENTS REQUESTED

The Department of State invites written comments on:

(a) Whether categories of regulations, in addition to those listed in paragraph 1 above, should be covered;

(b) The process for developing regulations in general, as set forth in section I below;

(c) The criteria for defining significant regulations as set forth in section II below (proposed directive);

(d) The criteria for determining which regulations require regulatory analysis as set forth in section III below; and

(e) The criteria for selecting existing regulations to be reviewed as set forth in section IV below. Suggestions of additional criteria in all areas are especially invited.

3. PROPOSED PROCEDURES

This notice establishes procedures for development of regulations by the Department of State. It implements sections 1, 2, 3, and 4 of the order on improving Government regulations.

4. SEMIANNUAL REGULATIONS AGENDA

In March and October of each year, the Department of State will publish a semiannual regulations agenda in the FEDERAL REGISTER describing the status of significant regulatory actions under development. This agenda will describe the regulations being considered, the need and the legal basis for the action being taken, show the status of regulations listed on previous agendas, and list the name and telephone number of the Department of State's point of contact for each regulation. The Secretary of State will approve the regulations agenda before publication.

I. PROCESS FOR DEVELOPING REGULATIONS

The existing process for developing regulations is that each bureau or office of the Department with substantive responsibility develops regulations to implement that responsibility. Detailed instructions for preparing regulations are set forth in volume 2, subchapter 1110 of the Foreign Affairs Manual. Each bureau or office coordinates with the Office of the Legal Adviser (L) and the Directives Staff of the Bureau of Administration (FADRC/DIR) to assure compliance with the Foreign Affairs Manual, the Administrative Procedure Act, and other applicable laws and regulations. Each public regulation is brought to the attention of the Executive Secretary of the Department of State on behalf of the Secretary of State in his responsibility for regulatory oversight.

As a result of Executive Order No. 12044, the Office of the Legal Adviser and the Directives Staff will also assure compliance with the following requirements of the order:

(1) The regulation is needed;

(2) The direct and indirect effects of the regulation have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternative has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

(7) The name, address, and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

In addition to publication in the FEDERAL REGISTER for public comment, originating bureaus or offices are required to consider use of other means of early public participation in development of regulations, such as publication of subjects being considered in the Department of State Newsletter.

Each significant regulation will be subject to the approval of the Deputy Under Secretary for Management or another statutorily designated officer and that approval will include determination on the factors specified in section 2(d) of the order.

II. CRITERIA FOR SIGNIFICANT REGULATIONS

A regulation will be considered significant if the originating bureau or

[1] As a matter of policy, the Department of State does not rely on the "foreign affairs function" exemption from the rulemaking procedures required by 5 U.S.C. 553, except in unusual cases individually justified to and approved by the Deputy Under Secretary for Management. The Department will follow a similar policy with respect to the application of Executive Order 12044 to regulations involving foreign affairs functions.

office, in consultation with the Office of the Legal Adviser and the Directives Staff, determines that:

(a) It may substantially affect—

(1) State and local government programs;

(2) Quality of environment;

(3) Inflation, employment, or economic growth;

(4) Business competition; or

(5) Existing regulatory programs of other executive agencies.

(b) It may be of substantial public interest or create substantial controversy.

(c) It will require substantial State Department resources to develop and enforce.

III. CRITERIA FOR REGULATORY ANALYSIS

A regulation will be subject to regulatory analysis if the originating bureau or office, in consultation with the Office of the Legal Adviser and the Directives Staff, determines that:

(1) It will result in an annual effect on the economy of $100 million or more; or

(2) It will result in a major increase in costs or prices for individual industries, levels of government, or geographic regions.

In the discretion of the Secretary of State, regulatory analysis may be required on any other proposed regulations.

An evaluation of existing regulations and those presently under consideration under the above criteria does not indicate any which require regulatory analysis. If future regulations are developed which meet the above criteria, an analysis will be carried out.

IV. REVIEW OF EXISTING REGULATIONS

The following criteria shall be applied by the appropriate bureau or office to select regulations for review, in accordance with section 4 of the Executive order:

(1) A substantial period of time has gone by since the regulation was issued without amendment or comprehensive revision;

(2) A substantial number of compliants or suggestions have been made by the general public on a particular industry or area affected;

(3) Those directly or indirectly affected by the regulation have a recurring compliance responsibility;

(4) The text of the regulation is strikingly technical or unclear;

(5) There is apparent confusion with, or overlapping by, another regulation on the same or similar subject;

(6) There is new legislation, technology, economic conditions, or other change of basic circumstances which may substantially affect the validity or impact of the regulation.

Regulations selected for review will be listed in the Department of State semiannual agenda and published in the FEDERAL REGISTER in March and October of each year in accordance with section 2(a) of the order. Selected regulations will include the point of contact and will be approved by the Secretary of State.

All regulations will be reviewed by May 15, 1979.

Unless extended, this notice expires June 30, 1980.

[FR Doc. 78-32769 Filed 11-21-78; 8:45 am]

[4710-02-M]

Agency for International Development

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order No. 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the 18th meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on December 12 and 13, 1978.

The purpose of the meeting is to review progress of the Collaborative Research support Program (CRSP) in Small Ruminant Animals and those CRSP's being planned for Nutrition, Beans/Cowpeas, and for Sorghum/Millet; to consider alternative approaches for a CRSP in Fisheries/Aquaculture; and to review proposed procedures for contract research and planning grants.

The meeting will convene at 9 a.m. and adjourn at 5 p.m. on December 12 and 13, 1978. The meeting will be held in the Dynasty Room of the Holiday Inn, 1850 North Fort Myer Drive, Arlington, Va. 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Office of Title XII Coordination and the University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: November 14, 1978.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-32766 filed 11-21-78; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Emergency Order No. 10]

CONSOLIDATED RAIL CORP; BLACK ROCK BRANCH

Emergency Order Forbidding Movement of Hazardous Materials

Correction

In FR Doc. 78-31530 appearing at page 51888 in the issue for Tuesday, November 7, 1978, make the following corrections:

(1) On page 51888, in the middle column, in the second full paragraph, in the 17th line, insert the word "involved" between the words "oxidizer" and "in".

(2) Also on page 51888, in the third column, in the second full paragraph, in the 8th line, substitute the number "255" for the number "155".

(3) On page 51889, in the first column, in the 2d line, "possible" should read "possibly".

(4) On page 51889, in the first column, in the third full paragraph, in the 17th line, the phrase "10 to 13 per hour" should read "10 to 13 miles per hour".

(5) On page 51889, in the third column, in APPENDIX A, under the heading, *"Number of Violations, 49 CFR Part 213"*, the entry, "1—vertical spilt in rail head, two feet long (.133)." should read, "1—vertical in spilt rail head,two feet long (.113)."

(6) Also on page 51889, in the third column, in APPENDIX B, under the heading *Number of Violation, 49 CFR Part 213"*, the entry,"1—vertical spilt head rail, 11 feet long (.113)." should read, "1—vertical split head rail, 11 feet long (.113)."

[4810-25-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

IMPORTED STEEL MILL PRODUCTS TRIGGER PRICE MECHANISM

First Quarter Revision of Trigger Prices

The Department of Treasury hereby revises trigger prices for imported steel mill products for the first quarter of 1979. These trigger prices are

used by the Treasury Department to monitor imports of steel mill products for the possible initiation of antidumping complaints under the Antidumping Act. Each quarter the Treasury Department revises trigger prices to reflect changes in the cost of Japanese steel production, including such components as the dollar-yen exchange rate, raw material costs, and labor usage rates.

First quarter trigger base prices and extras (effective for all shipments exported on or after January 1, 1979) are adjusted upward by 7 percent for products produced by the major Japanese integrated steel producers and by 9.8 percent for products produced by the electric furnace producers. The latter group of products accounts for under 10 percent of steel imports.

The adjustments announced here are made to account for a portion of the yen's appreciation from the 215 yen/dollar exchange rate (average for May 15 through July 14, used to establish fourth quarter trigger prices) to a 187 yen/dollar rate (average for September 4 through November 3).

The Department is utilizing 3 percent of the flexibility band built into the TPM to smooth the exceptionally sharp yen/dollar exchange rate experienced in recent months. Such use of the flexibility band was contemplated by the Steel Task Force Report of December 6, 1977. No other adjustments from fourth quarter trigger prices were necessary.

Calculation of First Quarter Revisions

To calculate the first quarter estimates of Japanese cost of production, a yen exchange rate of 187 /$ was applied to appropriate components of the fourth quarter cost estimates. Table I below shows the resulting average cost per ton of finished products for integrated producers.

Tables II-A through II-C show the revised costs for electric furnace producers. The same 187 /$ exchange rate is applied as is applied to the integrated producers' costs. However, the resulting increase in electric furnace producer costs is greater because more of those costs are yen-denominated and hence are more sensitive to the yen's appreciation. The products produced by electric furnace producers are:

Group A Products: Equal angles; unequal angles; channels; and I-beams;
Group B Products: Hot rolled strip from bar mills; merchant quality hot bars; hot rolled round bars, squares, and round cornered squares; and bar size channels;
Group C Products: Concrete reinforcing bars, plain and deformed.

The cost calculations indicate that when valued in U.S. dollars, the production costs of Japan's integrated steel producers have increased by approximately 10 percent, and those of electric furnace producers have increased by 12.8 percent for Group A and Group B products, and by 12.7 percent for Group C products.[1]

The resulting base prices for the first quarter for each product covered by the TPM are shown in table III. Extras accompanying the base product must also be increased by the percentage applicable to the base price of that product. Where fourth quarter extras have been increased by a stated percentage over third quarter extras, the percentage increase in extras announced today must be applied on top of the previous increase. For example, an extra of $30 which was increased by 4.86 percent in the third quarter and then increased by 7 percent for the first quarter would result in an extra of $34.[2]

Dated: November 9, 1978.

Robert H. Mundheim,
General Counsel.

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[1] For administrative ease, products of all three groups of electric furnace producers are being increased by the same percentage, since the calculations come within 0.1 percent of being identical.

[2] The two percentage increases are multiplicative rather than additive. ($30 × 1.0486 × 1.07 = $33.66, rounded to $34.)

[4810-25-C]

Table 1

First Quarter 1979

Japanese Costs of Production Estimates: Integrated Steel Producers

(U.S. $/Metric ton of finished product)

	Revised Original (240¥/$)	Fourth Quarter '78 (215¥/$)	First Quarter '79 (187¥/$)[3/]
Basic Raw Materials	$113.17	$116.20	$116.20
Other Raw Materials	63.66	71.06	81.70
Labor	73.14	85.02	97.75
Other Expenses	26.48	29.56	33.99
Depreciation	21.49	23.99	27.58
Interest	21.30	23.78	27.34
Profit [1/]	22.11	24.14	26.37
Yield Credit [2/]	(9.81)	(10.57)	(11.34)
Total $/MT	$331.54	$363.12	$399.59
Total $/NT	$300.76	$329.42	$362.51

[1/] Profit = .08 (Raw materials + labor + other expenses)

[2/] Yield Credit $= \left(\frac{.865}{.827} - 1\right)\left(\text{Raw materials} + \frac{\text{labor}}{2}\right)$

[3/] The new yen rate, 187 ¥/$, is applied to that portion of the average production costs denominated in yen (e.g., labor), as distinguished from the portion denominated in dollars (e.g., coal).

Table IIA

First Quarter 1979

Japanese Electric Furnace Costs of Production Estimated for Group A Products[2/]

(U.S. $/Metric ton of Finished Product)

	Original (240¥/$)	4th Quarter '78 (215¥/$)	1st Quarter '79 (187¥/$)[3/]
Basic raw materials	$115.87	$146.61	$165.76
Other raw materials	31.32	33.10	35.76
Labor	24.52	28.17	32.43
Other expenses	10.06	11.23	12.91
Depreciation	5.47	6.11	7.02
Interest	6.14	6.86	7.89
Profit [1/]	15.32	17.52	19.75
Scrap Credit	(1.94)	(2.59)	(2.98)
Total $/MT	$206.76	$247.01	$278.54
Total $/NT	$187.62	$224.09	$252.69

[1/] Profit = .08 (Raw materials + labor + other expenses)

[2/] Group A products include equal angles, unequal angles, channels, and I-beams.

[3/] The new yen rate, 187 ¥/$, is applied to that portion of the average production costs denominated in yen (e.g., labor), as distinguished from the portion denominated in dollars (e.g., coal).

Table IIB

First Quarter 1979

Japanese Electric Furnace Costs of Production Estimates for Group B Products[2/]

(U.S. $/Metric ton of finished product)

	Original (240¥/$)	4th Quarter '78 (215¥/$)	1st Quarter '79 (187¥)[3/]
Basic Raw Materials	$122.59	$157.62	$178.22
Other Raw Materials	37.00	39.10	42.24
Labor	27.94	32.10	36.92
Other Expenses	12.28	13.71	15.76
Depreciation	6.96	7.77	8.93
Interest	8.78	9.80	11.27
Profit [1/]	17.07	19.40	21.85
Scrap Credit	(2.14)	(2.92)	(3.36)
Total $/MT	$230.48	$276.56	$311.83
Total $/NT	$209.09	$250.90	$282.89

[1/] Profit = .08 (Raw Materials + Labor + Other Expenses)

[2/] Group B products include hot rolled strip from bar mills; merchant quality hot bars; hot rolled round bars, squares, and round cornered squares; and bar size channels.

[3/] The new yen rate, 187 ¥/$, is applied to that portion of the average production costs denominated in yen (e.g., labor), as distinguished from the portion denominated in dollars (e.g., coal).

Table IIC

First Quarter 1979 Japanese Electric Furnace

Cost of Production Estimates for Group C Products[2/]

(U.S. $/Metric Ton of Finished Product)

	Original (240 ¥/$)	4th Quarter '78 (215 ¥/$)	1st Quarter '79 (187 ¥/$)[3/]
Basic Raw Materials	$114.51	$145.28	$164.30
Other Raw Materials	33.82	35.74	38.61
Labor	19.55	22.48	25.09
Other Expenses	12.68	14.15	16.27
Depreciation	5.60	6.25	7.19
Interest	5.63	6.28	7.23
Profit[1/]	15.18	17.41	19.54
Scrap Credit	(2.00)	(2.56)	(2.94)
Total $/MT	$204.97	$245.03	$276.11
Total $/NT	$186.00	$222.29	$250.48

[1/] Profit = .08 (Raw Materials + Labor + Other Expenses)

[2/] Group C products include concrete reinforcing bars, plain and deformed.

[3/] The new yen rate, 187 ¥/$, is applied to that portion of the average production costs denominated in yen (e.g., labor), as distinguished from the portion denominated in dollars (e.g., coal).

PRODUCT BASE PRICES FOR SHIPMENTS EXPORTED DURING FIRST QUARTER 1979
(All Base Prices Increased 7% Unless Otherwise Noted)

Page*/	Product	Fourth Quarter Base Price ($/Metric Ton)	First Quarter Base Price ($/Metric Ton)
2-1	Wire Rods Commercial Quality AISI 1008 5.5 mm	$ 294	$ 315
2-2	Wire Rods Welding Quality AISI 1008	295	316
2-3	Wire Rods High Carbon AISI 1065 5.5 mm	342	366
2-5	Wire Rods Cold Heading Quality AISI 1038 12.7 mm	353	378
2-7	Wire Rods Cold Finished Bar Quality	353	378
2-9	Spheroidized Annealed Mo Alloy Steel Wire Rod AISI 4037 5.5 mm to 13 mm	516	552
2-13	Spheroidized Annealed Si-Mn-Cr High Carbon Steel Wire Rod AISI 9254 5.5 mm to 13 mm	494	529
2-15	Spheroidized Annealed High Carbon Cr Steel Wire Rod AISI 52100 5.5 mm to 13 mm	567	607
3-1	Wide Flange Beams and Bearing Piling ASTM A-36 12" x 12"	286	306
3-5	Standard Carbon Steel Channels ASTM A-36	251	276**/
3-7	Unequal Leg Carbon Steel Angles ASTM A-36	264	290**/
3-9	Equal Leg Carbon Steel Angles ASTM A-36	238	261**/
3-11	Standard Carbon Steel "I" Beams ASTM A-36	290	318**/
4-1	Sheet Piling ASTM A-328 Arch Web PDA-27	323	346
5-1	Steel Plates ASTM A-36 1/2" x 80" x 240"	295	316
6-1	Heavy Carbon Steel Rails AREA 115, 132 or 136	329	352
6-3	Light Rails 60 lbs./yd.	323	346
6-5	Tie Plates	330	353
8-1	Plain and Deformed Carbon Steel Concrete Reinforcing Bars ASTM A-615	234	257**/
9-1	Hot Rolled Carbon Steel Bar Size Channel ASTM A-36	350	384**/
10-1	Rolled Carbon Bars Special Quality AISI 1045 40 mm round x 4 meters	376	402
10-3	Merchant Quality Hot Rolled Carbon Steel Squares and Round Cornered Squares ASTM A-36 or AISI 1020	291	320**/
10-5	Merchant Quality Hot Rolled Carbon Steel Round Bar ASTM A-36 or AISI 1020	291	320**/
10-7	Merchant Quality Carbon Steel Flat Bars ASTM A-36 or AISI 1020	265	291**/
11-1	Hot Rolled Ni-Cr-Mo Alloy Steel Round Bar AISI 8620 40 mm	433	463
11-6	Spheroidize Annealed High Carbon Cr Steel Round Bar AISI 52100 40 mm to 100 mm	483	517
12-1	Cold Finished Carbon Steel Round Bar AISI 1008 through 1029 19.05 mm (3/4")	460	464***/
12-2	Cold Finished Round Steel Bar (Free Cutting Steel-Sulfur) AISI 1212 through 1215,19.05mm(3/4")	521	524***/
12-3	Cold Finished Round Steel Bar (Free Cutting Steel-Lead) AISI 12L14 and 12L15 19.05mm (3/4)"	544	550***/
14-1	Electric Resistance Welded Carbon Steel Pressure Tubing For Use in Boilers, Heat Exchangers, Condensers, Etc.	483	517
14-6	Continuous Butt Welded Standard Pipe	307	328
14-8	Electric Resistance Welded Pipe, Excluding Oil Well Casing, Without Coupling	344	368
14-13	Submerged Arc Welded Pipe	417	446
14-16	Electric Resistance Welded Structural Tubing to ASTM A-500 Grades A, B & C	360	385
14-22	Electric Resistance Welded Standard Pipe ASTM A-120 (A-53)	332	355

*/Page references are to the Fourth Quarter Trigger Price Manual published by the Department of the Treasury on October 10, 1978. The first figure of each page reference corresponds to the AISI product category for that product.

**/Electric furnace producer. The increase from Fourth to First Quarter is 9.8%.

***/Cold Finished Bar Base Trigger Price has been revised downward. See accompanying notice, "New and Adjusted Trigger Base Prices and Extras for Imported Steel Mill Products".

Page*/	Product	Base Price ($/Metric Ton)	Base Price ($/Metric Ton)
15-1	Seamless Carbon Steel Oil Well Casing, Not Threaded, up to 7" in Outside Diameter	$ 407	$ 435
15-4	Seamless Carbon Steel Oil Well Casing, Not Threaded, Seven Inches and Over in Outside Diameter	403	431
15-7	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, Seven Inches and Over in Outside Diameter	457	489
15-10	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, up to 7 Inches in Outside Diameter	462	494
15-13	Electric Resistance Welded Carbon Steel Oil Well Casing, Not Threaded	363	388
15-15	Electric Resistance Welded Carbon Steel Oil Well Casing, Threaded	428	458
15-17	Seamless Carbon Steel Pressure Tubing Suitable for use in Boilers, Superheaters, Heat Exchangers, Condensers, Refining Furnaces, Feed Water Heaters, Cold Finish	777	831
15-43	Seamless Carbon Steel Oil Well Tubing EUE With Threading and Coupling	608	651
15-45	Seamless Carbon Steel Line Pipe	414	443
15-48	Hot Rolled High Carbon Cr Steel Tube Suitable for Use in Manufacture of Ball or Roller Bearings AISI 52100 60 mm to 100 mm	590	631
15-49	Cold Rolled High Carbon Cr Steel Tube Suitable for Use in Manufacture of Ball or Roller Bearings AISI 52100 60 mm to 100 mm	877	938
15-50	Seamless Stainless Steel Round Ornamental Tube AISI TP 304, 1 1/4 x 0.049"	1989	2128
15-52	Seamless Stainless Steel Square Ornamental Tube AISI TP 304, 1 1/2 x 1 1/2 x 0.065"	2167	2319
16-1	Cold Heading Round Wire AISI 1018 Killed 0.192" Hard Drawn	443	474
16-1	Cold Heading Drawn from Annealed Rods	503	538
16-1	Cold Heading Drawn from Spheroidized Annealed Rods	514	550
16-1	Cold Heading Anneal in Process	518	554
16-1	Cold Heading Spheroidize Anneal in Process	527	564
16-1	Cold Heading Anneal in Process and Drawn from Annealed Rods	558	597
16-1	Cold Heading Spheroidize Anneal in Process and Drawn from Annealed Rods	567	607
16-1	Cold Heading Anneal at Finish Size	503	538
16-1	Cold Heading Spheroidize Anneal in Process	514	550
16-1	Cold Heading Anneal at Finished Size & Drawn from Annealed Rods	542	580
16-1	Cold Heading Spheroidize Anneal at Finished Size and Drawn from Annealed Rods	554	593
16-4	Bright Basic Round Wire AISI 1008 #8 Gauge Rimmed	364	389
16-5	Galvanized Iron Round Wise AISI Type I Coating #8 Gauge	458	490
16-8	Round Baling Wire 14.50	508	544
16-9	Bright Annealed Cold Drawn Stainless Steel Wire AISI 304, 0.080"	2414	2583
16-11	Spring Hard Temper Nickel Copper and Plastic Coat Cold Drawn Stainless Steel Wire AISI 302, 0.040"	3037	3250
16-12	Cold Heading Quality Copper and Molybdenum Coat Cold Drawn Stainless Steel Wire ASTM 493A, XM-7, 0.131"	2603	2785

*/Page references are to the Fourth Quarter Trigger Price Manual published by the Department of the Treasury on October 10, 1978. The first figure of each page reference corresponds to the AISI product category for that product.

Page*/	Product	Fourth Quarter Base Price ($/Metric Ton)	First Quarter Base Price ($/Metric Ton)
16-13	Cold Heading Quality Copper and Molybdenum Coat Cold Drawn Stainless Steel Wire AISI 305, 0.131"	$2673	$ 2860
16-14	Cold Heading Quality Copper and Molybdenum Coat Cold Drawn Stainless Steel Wire AISI 410, 0.131"	1728	1849
16-15	Cold Heading Quality Copper and Molybdenum Coat Cold Drawn Stainless Steel Wire AISI 430, 0.131"	1772	1896
16-16	Cold Finished Spheroidized Annealed SI-MN-CR High Carbon Steel Wire AISI 9254 5.5 mm to 13 mm	494	529
16-18	Cold Finished Spheroidized Annealed Mo Alloy Steel Wire AISI 4037 5.5 mm to 13 mm	516	552
20-1	Wire Nails Bright Common 20d # 6 13/32 x 4"	424	454
21-1	Barbed Wire 2 Ply, 12.50	578	618
22-1	Black Plate ASTM A625-76 0.0083" x 34" x Coil	380	407
23-1	Electrolytic Tin Plate SR-25/25 75L x 34" x C	515	551
25-1	Hot Rolled Steel Sheets ASTM A-569 0.121" x 48" x Coil	262	280
25-2	Hot Rolled Steel Band ASTM 569 0.121" x 48" x Coil	250	268
26-1	Electrical Steel Sheets Grain Oriented M-4 0.012" x 33" x C	1106	1183
26-3	Electrical Steel Sheets Non Oriented M-45 0.018" x 36" x C	596	638
26-5	Cold Rolled Sheets ASTM A-366 1.0m/m x 48" x C	328	351
27-1	Electro Galvanized Sheets EGC 10g/M^2 1.0m/m x 48" x C	388	415
27-4	Galvanized Sheet ASTM A525G90 0.8m/m x 48" x C	390	417
29-1	Hot Rolled Carbon Steel Strip Produced on Bar Mills Cut Lengths	296	325
29-3	Hot Rolled Carbon Steel Strip Produced on Sheet Mills Coils Only	256	274
32-1	Tin Free Steel Sheets SR 75L x 34" x C	441	472
	Product Additions		
12-5	Cold Finished Ni-Cr-Mo Alloy Steel Round Bar, AISI $620	433	463
12-7	Cold Finished Spheroidized Annealed, High Carbon Cr Steel Round Bar, AISI 52100	483	517
14-26	Piling Pipe ASTM-A 252	324	347
14-30	ERW Galvanized Fence Pipe	332	355
14-32	ERW Mechanical Tubing	434	464
16-20	High Carbon Steel Drawn Wire, AISI 52100	772	826

*/Page references are to the Fourth Quarter Trigger Price Manual published by the Department of the Treasury on October 10, 1978. The first figure of each page reference corresponds to the AISI product category for that product.

[FR Doc. 78-32532 Filed 11-21-78; 8:45 am]

[4810-25-M]

NEW AND ADJUSTED TRIGGER BASE PRICES AND "EXTRAS" FOR IMPORTED STEEL MILL PRODUCTS

I am hereby announcing: (1) new trigger base prices and "extras" for products not previously covered by the Trigger Price Mechanism; and (2) adjustments to, and additional "extras" for products for which trigger prices have been previously announced. Attachment 1 lists the specific products involved and describes the action being taken. These trigger prices will be used by the Treasury Department in monitoring imports of these products under the trigger price mechanism. Accordingly, a number of pages in the Steel Trigger Price Handbook are being reissued to reflect these actions.

Description of the trigger price mechanism may be found in the "Background" to the final rulemaking which amended regulations to require the filing of a Special Summary Steel Invoice (SSSI) with all entries of imported steel mill products (43 FR 6065).

These base prices, and extras, and adjustments are based upon information made available to the Treasury Department by the Japanese Ministry of International Trade and Industry (MITI), as well as other information available to the Department.

All the trigger prices being announced here will be used by the Customs Service to collect information at the time of entry on all shipments of the products covered which are exported after the date of publication of this notice. However, the following rules will be applied to entries of these products covered by contracts with fixed price terms concluded before the publication date of this notice.

1. Contracts with fixed price terms between unrelated parties: If the importer documents at or before the time of entry that the shipment is being imported under such a contract with an unrelated party, the entry will not trigger an investigation even if the sales price is below the trigger price, provided that product is exported on or before December 31, 1978. However, failure to initiate an investigation will not diminish the right of affected interested persons to file a complaint with respect to such imports under the established procedures for antidumping cases.

2. Contracts between related parties: If the importer documents at the time of entry that the shipment is to be resold to an unrelated purchaser in the United States under a contract with fixed price terms concluded before the publication date of this notice, the entry will not trigger an investigation even if the sales price is below the trigger price, provided that product is exported on or before December 31, 1978.

While these sales will not as a rule trigger a self-initiated antidumping investigation, information concerning such sales will be kept as a part of the information in the monitoring system and will be available in the event that an antidumping petition is filed with respect to such products sold by that producer or the Treasury Department decided to self-initiate an antidumping investigation of such products based upon subsequent sales.

Dated: November 9, 1978.

ROBERT H. MUNDHEIM,
General Counsel.

TABLE OF PRODUCT ADDITIONS AND ADJUSTMENTS

AISI Category/T.P. Handbook Page Number and Product Description	Type of Action	Description of Action
2-6 Wire Rods, Cold Heading Quality	Correction of a previous listing	Grade extras corrected
2-8 Wire Rods, Cold Finished Bar Quality	Correction of a previous listing	Grade extra corrected
2-12 Alloy Steel Wire Rod, AISI 4037	Correction of a previous listing	Size extra dimensions corrected
2-16 High Carbon Steel Wire Rod, AISI 52100	Correction of a previous listing	Size extra for 19mm and over corrected
3-4 Wide Flange Beams	Reclassification of Product	Revised size extras for Junior Beams are found on revised page 3-12. Size extras for Junior Beams shown on p. 3-4 are being deleted. Further study and recent data from MITI indicate that Junior Beams are more appropriately categorized with Standard I Beams as M sections, and accordingly will be recalssified.
3-12 Standard Carbon Steel "I" Beams ASTM-A-36	Reclassification of Product	See above note for p. 3-4. This product is an electric furnace product under the TPM.

TABLE OF PRODUCT ADDITIONS AND ADJUSTMENTS
(Continued)

12-1	Cold Finished Carbon Steel Round Bar, AISI 1008 through 1029	Revised Trigger Price	Revised Base Price downward from $460 to $434 (in terms of 4th Quarter TP). Recent data from MITI confirmed that hot rolled product input costs should be based on 1 part bar and 3 parts rod, and clarified the destinction between these two in Japanese practice. Applying the proper ratio has the effect of lowering the material costs for cold finished bars and consequently the trigger price.
12-2	Cold Finished Round Steel Bar, AISI 1212 through 1215	Revised Trigger Price	Revised Base Price downward from $521 to $490 (in terms of 4th Quarter TP). See above explanation (12-1).
12-3	Cold Finished Round Steel Bar, AISI 12L14 and 12L15	Revised Trigger Price	Revised Base Price downward from $544 to $514 (in terms of 4th Quarter TP). See above explanation (12-1).
12-4	Size Extras for Cold Finished Steel Bars	Revised Page	Published Size extras in terms of 4th Quarter TP). See above explanation (12-1).
12-5,6	Cold Finished, NI-CR-MO Alloy Steel Round Bar, AISI 8620	New Page and Product Coverage	Published base price and grade, size, quality, thermal treatment extras.
12-7,8	Cold Finished Spheroidized Annealed, High Carbon Cr. Steel Round Bar, AISI 52100	New Page and Product Coverage	Published Base price and thermal treatment and size extras.
14-7	Continuous Butt Weld Pipe	Revised Page and Extended Coverage	Published new trigger price for sprinkler pipe (sch. 10). Figures shown are expressed in terms of 3rd Quarter prices to be consistent with all other pipe and tube product pages in trigger price handbook.

TABLE OF PRODUCT ADDITIONS AND ADJUSTMENTS
(Continued)

14-17,18,19,20 ERW Structural Tubing ASTM-500	Correction of a previous listing	Extra listings for selected O.D./W.T. corrected. Figures shown are expressed in terms of 3rd Quarter prices to be consistent with all other pipe and tube product pages in trigger price handbook.
14-23 ERW Standard Pipe ASTM-A-120 (A-53)	Revised Page	A-53 Pipe sizes from 2 3/8" through 4 1/2" may be found on p. 14-9. These sizes have been deleted from p. 14-23 in order to avoid duplication. Figures shown are expressed in terms of 3rd Quarter prices to be consistent with all other pipe and tube product pages in trigger price handbook.
14-24,25 ERW Standard Pipe ASTM-A-120	New Page	New trigger prices published to cover ASTM-A-120 pipe in sizes from 2-3/8" to 16"; also extras for Extra Strong W.T. on larger size ranges. Figures shown are expressed in terms of 3rd Quarter prices to be consistent with all other pipe and tube product pages in trigger price handbook.
14-26,27,28,29 Piling Pipe ASTM-A-252	New Page	Published Base Price and size and grade extras. Figures shown are expressed in terms of 3rd Quarter prices to be consistent with all other pipe and tube product pages in trigger price handbook.
14-30,31 ERW Galvanized Fence Pipe	New Page	Published Base Price and extras for fence pipe. Figures shown are expressed in terms of 3rd Quarter prices to be consistent with all other pipe and tube product pages in trigger price handbook.

TABLE OF PRODUCT ADDITIONS AND ADJUSTMENTS
(Continued)

14-32,33,34	ERW Mechanical Tubing	New Page	Published Base Price and extras for Mechanical Tubing. Figures shown are expressed in terms of 3rd Quarter prices to be consistent with all other pipe and tube product pages in trigger price handbook.
16-4	Bright Basic Round Wire AISI 1008	New Extras	Published grade extras and annealing extras.
16-5	Galvanized Iron Round Wire, Type 1 Coating	New Extras	Published Extra for Regular or commercial coating; grade extra.
16-6	Bright Basic and Galvanized Wire Size Extras	New Extras	Published Size Extra for additional gauges.
16-20,21	High Carbon Steel Drawn Wire AISI 52100	New Page	Published Base Price and size extras.
21-1	Barbed Wire	Revised Page	Changed title to read "Barbed Wire, 2-ply, 12.50 Gauge". This change is made to assure coverage of all 2-ply barbed wire, rather than merely Iowa-type.
25-3	Hot Rolled Sheet	Correction of Previous listing	Corrected Width Thickness dimensions on Extra Table.
25-12	Hot Rolled Sheet	Correction of Previous listing	Corrected Checker, and Pickled and Oiled Extra.
27-7	Galvanized Sheet	Deleted Extra	Deleted statement pertaining to adjustment due to fluctuation in the zinc price.

WIRE RODS - COLD HEADING QUALITY

Extra (Sizes/Grade) Per Metric Ton

GRADE (AISI NUMBER)	SIZES 7/32" thru 35/64	over 35/64" to under 39/64"	39/64" to under 3/4"	3/4" and over
1005, 1006, 1008 1010, 1011, 1012 1013 (Rimmed Steel)	Minus $23	$31	$17	NIL
1015, 1016, 1017 1018, 1919, 1020 1021, 1022, 1023, 1025, 1026 (Rimmed Steel)	Minus $23	$42	$30	$ 8
1005, 1006, 1008 1010, 1011, 1012, 1013 (Killed Steel)	Minus $ 7	$43	$30	$ 9
1015, 1016, 1017 1018, 1019, 1020 1021, 1022, 1023 1025, 1026	Minus $6	$55	$42	$21
1029, 1030, 1035 1037, 1038, 1039 1040, 1042, 1043	NIL	$43	$31	$ 9
10B18 10B21	20	77	64	41
10B22 10B23	24	81	69	45
10B30	21	65	51	31
1110	Minus 5	43	30	9
1522	NIL	59	46	24
1524	12	69	55	33
1541	9	53	40	19
15B41	32	75	62	40

Tolerance Extra

If bar tolerances are specified or required for over 35/64" to under 3/4" ... Plus $11/M.T.

Note: All above extras are to be increased 4.86% on all wire rods exported to the United States on or after 10-1-78.

WIRE RODS-COLD FINISHED BAR QUALITY

Extras (Sizes / Grade) Per Metric Ton

GRADE (AISI NUMBER)	SIZES 7/32" Thru 35/64"	Over 35/64" to to Under 39/64"	39/64" To Under 3/4"	3/4" and Over
1015, 1016, 1017 1018, 1019, 1020, 1021, 1022, 1023 1025, 1026	Minus $36	$22	$ 9	Minus $11
1029, 1030, 1035 1037, 1038, 1039 1040, 1042, 1043 1044, 1045, 1046 1049 1050	Minus $19	$23	$ 9	Minus $ 9
1117	Minus $ 5	$51	$38	$17
1141	2	38	25	16
1144	2	43	30	9
1151	4	45	32	12
1212, 1213, 1215	Minus $ 2	$43	$30	$ 9
10L18	Minus $16	$52	$39	$18
10L38, 10145	NIL	43	30	9
11L17	$22	$81	$69	$45
11L37	15	57	44	23
12L14, 12L15	$15	$60	$47	$25

Tolerance Extra

If Bar Tolerances ar specified or required for over 35/64" to under 3/4" -- plus $11 per metric ton.

Note: all above extras are to be increased by 4.86% for wire rods shipped to the U.S. on or after 10-1-78.

2. Size Extras

Size	3rd Quarter Extra ($/MT)	4th Quarter Extra ($/MT
Over 13 mm but less than 19 mm	Minus 26	Minus 27
19 mm & over	Minus 37	Minus 39

3. Thermal Treatment Extras	Extra ($/MT)	Extra ($/MT)
Regular Anneal Only	Minus $21/MT	Minus $22/MT
No heat treatment	Minus $63/MT	Minus $66/MT

4. Aircraft Quality Extra — $26/MT — $27/MT

5. Bearing Quality Extra — $26/MT — $27/MT

6. Vacuum Degassed Extra — $12/MT — $13/MT
(This extra does not apply when requirements are subject to extra for aircraftand/or bearing quality.)

1. Grade Extras (per MT)

AISI NUMBER	3rd Quarter Extra ($/MT)	4th Quarter
E50100, E51100	NIL	NIL

Size Extras

Size	Extra($/MT)	Extra ($/MT)
Over 13 mm but less than 19 mm	Minus 26	Minus 27
19 mm & Over	Minus 37	Minus 39

3. Thermal Treatment Extras		
Regular Anneal Only	Minus $21/MT	Minus $22/MT
No heat treatment	Minus $63/MT	Minus $66/MT

SIZE EXTRAS
($/MT)

4th Qtr.

SIZE	EXTRA
S12 x 31.8 lb./ft.	Base
S8 x 18.4 lb./ft.	Base
S6 x 12.5 lb./ft.	12
S4 x 7.7 lb./ft.	12
SIZE EXTRAS JUNIOR BEAMS	
M-12" x 11.8 lb./ft.	Base
M-10" x 8.0 lb./ft.	Base
M-8" x 6.5 lb./ft.	12
M-6" x 4.4 lb./ft.	32

NOTE: Above size extras for Junior Beams supercede p.3-4 published October 10, 1978.

Cold Finished Carbon Steel Round Bar
AISI 1008 through 1029, 19.05 mm (3/4")

Category AISI 12

Tariff Schedule Number (s) 608.5015 8½%

	4th Quarter	1st Quarter
Base Price Per Metric	$ 460	$ 464

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$30	$7	$ 8
Gulf Coast	35	5	10
Atlantic Coast	40	4	10
Great Lakes	58	4	.13

Insurance 1% of base price + extras + ocean freight

Extras

Size, See Table p. 12-4

Cold Finished Round Steel Bar (Free Cutting Steel-Sulfur)
AISI 1212 through 1215 19.05mm (3/4")

Category AISI 12

TAriff Schedule Number (s) 608.5005 8½%

	4th Quarter	1st Quarter
Base Price per Metric Ton	$ 521	$ 524

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$30	$7	$ 9
Gulf Coast	35	5	11
Atlantic Coast	40	4	12
Great Lakes	58	4	15

Insurance 1% of base price + extras + ocean freight

Extras

Size, See Table p. 12-4

Cold Finished Round Steel Bar (Free Cutting Steel-Lead
AISI 12L14 and 12L15 19.05 mm (3/4")

Category AISI 12

Tariff Schedule Number (s) 608.5005 8½%

	4th Quarter	1st Quarter
Base Price Per Metric Ton	$ 544	$ 550

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$30	$7	$ 9
Gulf Coast	35	5	12
Atlantic Coast	40	4	12
Great Lakes	58	4	15

Insurance 1% of base price + extras + ocean freight

Extras

Size, See Table p. 12-4

Size Extras for Cold Finished Steel Bars ($ Extra/M.T.)

Size	4th Quarter Shape	
	Round	Hexagon
Up to 3/16" inclusive	69	170
Over 3/16" thru 5/16"	46	92
5/16" thru 7/16"	37	56
7/16" thru 5/8"	19	37
5/8" " 7/8"	Base	8
7/8" " 1-7/16"	8	19
1-7/16" thru 1-3/4"	15	33
1-3/4" thru 2-11/16"	19	46
2-11/16" thru 3"	27	--
3" thru 3-3/4"	37	--
3-3/4" thru 4"	46	--

COLD FINISHED, NI-CR-MO ALLOY STEEL ROUND BAR
AISI 8620, 40 MM

Category 12

Tariff Schedule Number (s) 608.5240 10½% additional duties (see Headnote 4, TSUS)

Base Price per Metric Ton 4th Quarter
$433

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$49	$7	$ 9
Gulf Coast	51	5	12
Atlantic Coast	63	4	12
Great Lakes	79	4	15

Insurance 1% of base price + extras + ocean freight

Extras:

(1) Grade Extras
(2) Thermal Treatment Extra
(3) Quality Extra
(4) Cold Finished Extra

COLD FINISHED, NI-CR-MO ALLOY STEEL ROUND BAR
(CONTINUED)

Extra

1. Grade Extra - same as hot rolled grade extras, pp. 11-2, 11-3
2. Thermal Treatment Extra - same as hot rolled thermal treatment extra, p. 11-4
3. Quality Extra - same as hot rolled extra, p. 11-4
4. Cold Finish Size Extra

   Cold drawn with or without pickling. Smooth Turned (Turned & Polished).

Size (Inches)		4th Quarter Extra ($/MT)
Diameter	Exclusive	
½	5/16	348
5/16	3/8	287
3/8	½	255
½	5/8	194
5/8	1	166
1	1½	149
1½	3	144
3	4	149
4	6	172

COLD FINISHED SPHEROIDIZED ANNEALED, HIGH CARBON CR STEEL ROUND BAR AISI 52100, 50100, 51100

Category AISI 12

Tariff Schedule Number (s) 608.5225 10½% + additional duties (see Headnote 4, TSUS)

BAse Price per Metric Ton 4th Quarter $483

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$49	$7	$10
Gulf Coast	51	5	13
Atlantic Coast	63	4	13
Great Lakes	79	4	16

Insurance 1% of base price + extras + ocean freight

Extras:

1. Size Extras
2. Thermal Treatment Extras
3. Cold Finish Extra

COLD FINISHED SPHEROIDIZED ANNEALED, HIGH CARBON CR

STEEL ROUND BAR AISI
(Continued)

Extras:

1. Thermal Treatment Extra: $/MT without spheroidize anneal minus $63

2. Cold - Finished Extra
   Cold drawn with or without pickling
   Smooth Turned (Turned & Polished)

4th Quarter

Size (Inches)			Extra ($/MT)
		Exclusive	
Dia.	½ -	5/16	348
	5/16-	3/8	287
	3/8	½	255
	½	5/8	194
	5/8	1	166
	1	1½	149
	1½	3	144
	3	4	149
	4	6	172

BASE PRICE, INCLUDING O.D./WT., GALVANIZING, THREADED AND COUPLED EXTRAS
($/M.T., 3rd Quarter)

CONTINUOUS BUTT WELDED PIPE

AISI 14 TSUSA 610.32

DESCRIPTION	NOM. (INCHES)					O.D. (INCHES)				
	1/2	3/4	1	1¼	1½	2 3/8	2 7/8	3½	4	4½
STD WEIGHT, BLK, PLAIN END	317	308	302	300	300	293	293	293	300	300
EX STRONG, BLK, PLAIN END	317	317	310	307	307	302	302	302	307	307
STD WEIGHT, GALV, PLAIN END	408	394	383	377	377	377	372	372	377	377
EX STRONG, GALV, PLAIN END	420	405	395	387	387	383	383	383	387	387
STD WEIGHT, BLK T AND C	354	342	329	326	326	320	320	320	331	331
EX STRONG, BLK T AND C	364	351	339	335	335	329	329	329	342	342
STD WEIGHT, GALV, T AND C	446	427	410	403	403	399	399	399	409	409
EX STRONG, GALV, T AND C	459	440	422	416	416	410	410	410	421	421
SPRINKLER PIPE, (SCH. 10)	331	332	316	314	314	308	308	308	314	314

Note: All above prices are to be increased by 4.86% for tubing exported on or after October 1, 1978

BASE PRICE INCLUDING OUTSIDE DIAMETER (OD) / WALL THICKNESS (WT) EXTRAS ($/MT) 3rd Quarter
ELECTRIC RESISTANCE WELDED STRUCTURAL TUBING TO ASTM A 500 GRADE A B & C

	AISI 14		TSUSA		610.32				
SQUARE WT/OT	.047	.056	.063	.072	.078	.083	.095	.109	.120	.125 .134
1/2	405	405	387	387						
5/8	307	387	365	365						
3/4	375	375	353	353						
7/8	375	375	353	353						
1	375	375	353	353	353	353	353	353	353	
1 1/4	375	375	353	353	353	353	353	353	353	
1 1/2	375	375	353	353	353	353	353	353	353	
1 3/4			353	353	353	353	353	353	353	
2			353	353	353	353	353	353	353	353
2½						343	343	343	343	343
3							343	343	343	343
3 1/2							343	343	343	343
4							343	343	343	343
5										
6										
7										
8										
10										
12										

Note: All above prices are to be increased by 4.86% for tube exported to the United States on or after October 1, 1978

BASE PRICE INCLUDING OUTSIDE DIAMTER (OD) / WALL THICKNESS (WT) EXTRAS ($/MT) (3rd Quarter)
Electric resistance welded Structural tubing to ASTM A 500 Grade A B & C

SQUARE	WT/OT	AISI 11 .156	.180&.1875	TSUSA .250	610 .32 .313	.375	.500
1/2							
5/8							
3/4							
7/8							
1							
1 1/4							
1 1/2							
1 3/4							
2		353	353	353			
2½		343	343	343			
3		343	343	343			
3½		343	343	343			
4		343	343	343	356	356	
5		343	343	343	356	356	
6		343	343	343	356	356	365
7		343	343	343	356	356	365
8			343	343	356	356	365
10				343	356	356	365
12				353	365	365	375

Note: All above prices are to increased by 4.86% for tube exported to the United States on or after Octber 1, 1978

14- 19
Revised Nov , 1978

Base Price Including Outside Diameter (O.D.1) Wall Thickness (W.T.) Extras ($/MT)
Electric Resistance Welded Structural Tubing to ASTM A 500 Grade A B & C (3rd Quarter)

	AISI 14		TSUSA	610.32					
Rectangular WT/OD	.047	.056	.063	.072	.078.	.083	.095	.109	.120 & .125
1x1 1/2	375	375	353	353					
1 1/2x3/4	375	375	353	353	353	353	353		
1 1/2 x 1	375	375	353	353	353	353	353	353	353
2x1	375	375	353	353	353	353	353	353	353
2x1 1/2	375	375	353	353	353	353	353	353	353
2 1/2 x 1 1/2			353	353	353	353	353	353	353
3x1			353	353	353	353	353	353	353
3x1 1/2			343	343	343	343	343	343	343
3x2						343	343	343	343
4x2							343	343	343
4x3							343	343	343
5x2							343	343	343
5x3							343	343	343
6x2							343	343	343
6x3									
6x4									
7x4									
7x5									
8x4									
8x6									
9x7									
10x6									
12x8									
14x6									
16x8									

Note: All above prices are to be increased by 4.86% for tube exported to the United States on or after October 1, 1978

Base Price Including Outside Diameter (O.D.1/ Wall Thickness (W.T.) Extras ($/MT)(3rd Quarter)
Electric Resistance Welded Structural Tubing to ASTM A 500 Grade A B & C

	AISI	14	TSUSA	610.39	610.49		
Rectangular WT/OD	.134	.156	.180 & .1875	.250	.313	.375	.500
1 x 1/2							
1 1/2 x 3/4							
1 1/2 x 1							
2x1							
2 x 1 1/2							
2 1/2 x 1 1/2							
3 x 1 1/2							
3x2	343	343	343	343			
4x2	343	343	343	343			
4x3	343	343	343	343			
5x2	343	343	343	343			
5x3	343	343	343	343	356	356	
6x2	343	343	343	343			
6x3		343	343	343	356	356	
6x4		343	343	343	356	356	
7x4		343	343	343	356	356	
7x5		343	343	343	356	356	375
8x4		343	343	343	356	356	375
8x6		343	343	343	356	356	375
9x7			343	343	356	356	375
10x6			343	343	356	356	375
12x 8				353	365	365	375
14x6				393	365	365	375
16x 8				353	365	365	375

Note: All above prices to be increased by 4.86% for tube exported to the United States or after October 1, 1978

14-23
REVISED
November, 1978

Base Price Including Outside Diameter (OD)/Wall Thickness (WT)
Threaded and Coupled Extras ($/MT) (3rd Quarter)
Electric Resistance Welded Pipe to ASTM A 120 (A 53)
(Standard Weight)

	Nom (inches)				
	¼	3/4	1	1¼	1½
Blk. P.E.	342	332	328	323	323
Blk. T.& C.	383	371	354	352	352
Galv., P.E.	440	425	415	408	408
Galv. T.& C.	481	462	443	437	437

Note: All above prices are to be increased by 4.86% for tube exported to the United States on or after October 1, 1978.

Electric Resistance Welded Standard Pipe
ASTM-A-120 (larger sizes)

Category AISI 14

Tariff Schedule Number (s) 610.32 0.3¢ per lb.

Base Price per Metric Ton	3rd Quarter	4th Quarter
	$317	$332

Charges to CIF

	Ocean Freight	Handling	Interest
West Coast	see freight table	7	6
Gulf Coast		5	8
Atlantic Coast		4	8
Great Lakes		4	10

Insurance 1% of base price + extras + ocean freight

Extras

A. Outside diameter and wall thickness
B. Galvanizing
C. Threading and Coupling

Base Price Including OD/WT, Thread and Couple
ERW Pipe to ASTM A-120
$/MT (3rd Quarter)

	2 3/8	2-7/8	3½	4	4½	5-9/16	6 5/8	8 5/8	10 3/4	12-3/4	14	16
Black, Plain End, Standard W.T.	317	317	317	323	323	323	323	309	309	309	309	309
Black, Plain End, Extra Strong W.T.	-	-	-	-	-	332	332	318	318	318	318	318
Black, Thread & Couple Standard W.T.	345	345	345	357	357	-	-	-	-	-	-	-
Galv., Plain End Standard W.T.	401	401	401	408	408	-	-	-	-	-	-	-
Galv., Thread & Couple, Standard W.T.	430	430	430	443	443	-	-	-	-	-		

NOTE: All above trigger prices are to be increased 4.86% for all pipe exported on or after October 1, 1978.

Piling Pipe ASTM A-252

AISI Category 14

Tariff Schedule Number 610.32 0.3¢ per lb.

Base Price Per Metric Ton	3rd Qtr. $309	4th Qtr. $324

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	see freight table, p. 14-2	7	6
Gulf Coast		5	8
Atlantic Coast		4	9
Great Lakes		4	11

Insurance: 1% of base price + extras + ocean freight.

Extras:

Outside diametric/wall thickness by grade.

Note: In order to be consistent with pipe and tube trigger prices published in the October 10, 1978 Handbook, the trigger prices listed on pages 14-26 and 14-27 are 3rd Quarter prices. So, these trigger prices must be increased 4.86% for all pipe exported to the United States on or after October 1, 1978.

Base Prices Including OD/WT and Grade Extras ($/M.T.)
(3rd Quarter)

Piling Pipe ASTM - A-252

OD	W.T.	Grades 1, 2	Grade 3
6-5/8	.125	332	352
	.14¼	332	352
	.156	323	342
	.172	323	342
	.188	323	342
	.203	323	342
	.219	323	342
	.250	323	342
	.280	323	342
	.375	323	342
	.432	332	352
8-5/8	.125	318	337
	.156	318	337
	.172	318	337
	.188	309	327
	.203	309	327
	.219	309	327
	.258	309	327
	.277	309	327
	.312	309	327
	.322	309	327
	.344	309	327
	.375	309	327
	.500	318	337

Base Prices Including OD/WT and Grade Extras ($/M.T.)(3rd Qtr.)

Piling Pipe ASTM A-252

OD	WT	Grades 1,2	Grade 3
10-3/4	.156	318	337
	.172	318	337
	.188	318	337
	.203	309	337
	.219	309	327
	.250	309	327
	.279	309	327
	.307	309	327
	.344	309	327
	.365	309	327
	.500	318	337
12-3/4	.172	318	337
	.188	318	337
	.203	309	327
	.219	309	327
	.250	309	327
	.281	309	327
	.312	309	327
	.330	309	327
	.344	309	327
	.375	309	327
	.406	309	327
	.500	318	337

Base Prices Including OD/WT and Grade Extra ($/M.T.)(3rd Quarter)

Piling Pipe ASTM A-252

OD	W.T.	Grades 1, 2	Grades 3
14	.188	318	337
	.203	318	337
	.219	309	327
	.250	309	327
	.281	309	327
	.312	309	327
	.344	309	327
	.375	309	327
	.438	309	327
	.500	318	337
16	.188	318	337
	.203	318	337
	.219	309	327
	.250	309	327
	.281	309	327
	.312	309	327
	.344	309	327
	.375	309	327
	.438	309	327
	.500	318	337

Electric Resistance Welded Hot Dipped Galvanized Fence Pipe and Tubing in Plain Ends

Category AISI 14

Tariff Schedule Number(s) 610.32 0.3¢ per lb.

Base Price per Metric Ton	3rd Quarter	4th Quarter
	317	332

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	see freight	7	6
Gulf Coast	table	5	8
Atlantic Coast		4	8
Great Lakes		4	10

Insurance 1% of base price + extras + ocean freight

Extras
A. Hot Dipped Galvanized
B. In-line Galvanized
C. Cut length extra
D. Swaging

ERW GALVANIZED FENCE PIPE AND TUBING IN PLAIN ENDS
($/MT, 3rd Quarter)

A. OD/WT Extras - Hot Dipped Galvanized Type

WT.(inches) / OD(inches)	.047	.055	.069	.079	.104	.116	.128	.144	sch40
1.315	476	453	431	431	418	418	418	---	418
1.660	469	447	425	425	409	409	409	---	409
1.900	---	447	425	425	409	409	409	---	409
2.375	---	437	415	415	403	403	403	403	403
2.875	---	---	415	415	403	403	403	403	403
4.000	---	---	---	---	409	409	409	409	403

B. OD/WT Extras In-Line Galvanized Type

WT (inches) / OD(inches)	.047	.055	.069	.079	.104	.116	.128	.144	sch40
1.315	415	403	380	380	374	374	374	---	374
1.660	409	396	374	374	368	368	368	---	368
1.900	---	396	374	374	368	368	368	---	368
2.375	---	390	368	368	361	361	361	361	361
2.875	---	---	368	368	361	361	361	361	361
4.000	---	---	---	---	368	368	368	368	368

C. Cut Length Extra:

5% of base price for specific OD/WT

D. Swaging at One End:

5% of base price for specific OD/WT

New Page 14-32
Nov. 1978

ERW Mechanical Tubing ASTM A 513
Type I A.W.H.R.

AISI Category 14

Tariff Schedule Number	610.32	0.3¢ per lb.
	610.31	0.625 C per lb.

Base Price per Metric ton	3rd Qtr.	4th Qtr.
	413	434

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	see freight table	$7	$ 8
Gulf Coast		5	11
Atlantic Coast		4	11
Great Lakes		4	14

Insurance 1% of base price + extras + ocean freight

Extras

A. Outside diameter/wall thickness
B. Cut Lengths
C. Quantity

Note: In order to be consistent with pipe and tube trigger prices published in the October 10, 1978 Handbook, the trigger prices listed on pages 14-30 and 14-31 are 3rd Quarter prices. So, these trigger prices must be increased 4.86% for all pipe exported to the United States on or after October 1, 1978

ERW MECHANICAL TUBING ASTM-A-513 TYPE 1 AWHR
Base Price Including OD/WT Extras ($/MT 3rd Quarter)

	3/4	1	1 1/4	1 1/2	1 3/4	2	2 1/8	2 1/4	2 3/8	2 1/2	2 3/4	3	3 1/4	3 1/2	4	4 1/2
0.049	703	641	599	---	---	---	---	---	---	---	---	---	---	---	---	---
0.065	682	579	579	537	537	---	---	---	---	---	---	---	---	---	---	---
0.083	599	579	537	496	475	455	455	455	434	434	434	434	---	---	---	---
0.095	599	537	537	475	455	434	434	434	434	413	413	413	413	---	---	---
0.105	579	517	496	455	434	434	434	413	413	413	413	413	413	413	---	---
0.109	579	517	475	434	413	413	413	413	413	413	413	393	413	413	434	---
0.120	579	517	475	413	413	413	413	413	413	393	393	393	393	393	434	475
0.125	---	517	475	413	413	413	413	393	393	393	393	393	393	393	413	434
0.134	---	517	475	413	413	413	413	393	393	393	393	393	393	393	413	434
0.135	---	517	475	413	413	413	413	393	393	393	393	393	393	393	393	413
0.148	---	---	475	413	413	413	413	393	393	393	393	393	393	393	393	413
0.150	---	---	496	434	413	413	413	393	393	393	393	393	393	393	393	413
0.165	---	---	496	434	413	413	413	413	393	393	393	393	393	393	393	393
0.180	---	---	496	455	413	413	413	413	393	393	393	393	393	393	372	372
0.200	---	---	---	475	413	413	413	413	413	393	393	372	372	372	372	372
0.203	---	---	---	475	434	434	434	413	413	393	393	372	372	372	372	372
0.220	---	---	---	496	434	434	434	413	413	393	393	372	372	372	372	372
0.238	---	---	---	---	455	455	455	434	434	413	413	393	393	393	393	393
0.259	---	---	---	---	496	496	496	455	434	413	413	393	393	393	393	393
0.284	---	---	---	---	---	---	---	---	---	---	---	413	413	393	393	393
0.300	---	---	---	---	---	---	---	---	---	---	---	---	434	413	413	413

Intermediate wall thickness will be priced on the next heavier wall shown.

ERW Mechanical Tubing ASTM A-513
Type I A.W.H.P.

Cut Length Extra

Cut Length	Extra %
10	on inquiry
10 to under 36	Base
36 to under 40	2.5
40 to under 44	7.5
44 to under 48	10
48 and over	on inquiry

Quantity Extras

Weight (pounds)	Extra (percent)
10,000 or more	base
5,000 to 9,999	20
Under 5,000	on inquiry

Bright Basic Round Wire, AISI 1008, #8 Gauge Rimmed

Category AISI 16

Tariff Schedule Number(s) 609.4010 8 1/2%
609.4105 0.3¢ per lb.
609.4125 0.3¢ per lb.

Base Price per Metric Ton	4th Quarter $364

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$40	$7	$ 6
Gulf Coast	42	5	8
Atlantic Coast	45	4	8
Great Lakes	60	4	11

Insurance 1% of base price + extras + ocean freight

Extras
(1) Grade Extras: Same as Wire Rod Commercial Quality (page 2-1)
(2) Annealing Extra: $28/MT
(3) Size Extra: See Extra Table page 16-6
(4) Packing Extra: See Extra Table page 16-7

Galvanized Iron Round Wire, AISI Type I Coating, #8 Gauge

Category AISI 16

Tariff Schedule Number(s) 609.4040 8 1/2%
609.4165 0.3¢ per lb.

	4th Quarter
Base Price per Metric Ton	$458

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$40	$ 7	$ 8
Gulf Coast	41	5	11
Atlantic Coast	45	4	11
Great Lakes	60	4	13

Insurance 1% of base price + extras + ocean freight

Extras

(1) Grade Extra: Same as Wire Rod Commercial Qiality (Page 2-1)

(2) Regular or Commercial: Minus $50/MT
Coating Extra

(3) Size Extra: See Extra Table p. 16-6

(4) Packaging Extras: See Extra Table 16-7

SIZE EXTRAS FOR BRIGHT BASIC WIRE,
ANNEALED WIRE AND GALVANIZED IRON WIRE

$ EXTRA/MT
(4th Quarter)

GAUGE	BRIGHT BASIC WIRE	ANNEALED WIRE	GALV.IRON WIRE(TYPE I)
4	22	22	35
5	16	16	27
6	8	8	21
7	4	4	16
8	Base	Base	Base
9	6	6	14
10	8	8	18
11	12	12	24
12	14	14	35
13	18	18	43
14	22	22	51
15	33	35	66
16	41	43	80
17	49	52	99
18	60	61	115
19	71	75	141
20	85	89	163
21	100	104	188
22	111	115	210
23	122	126	237
24	133	139	265
25	149	156	306
26	167	174	349
27	175	181	366

High Carbon Cr Steel Drawn Wire in Coil AISI 52100, 50100, 51100, Suitable for use in manufacture of Ball or Roller Bearings

AISI Category 16

Tariff Schedule Number (s) 609.4560 10½% + additional duties (See Headnote 4, TSUS)

Base Price per Metric Ton 4th Quarter $772

Charges to CIF

	Ocean Freight	Handling	Interest
West Coast	58	7	15
Gulf Coast	69	5	19
Atlantic Coast	72	4	19
Great Lakes	79	4	24

Insurance 1% of base price + extras + ocean freight

Extras:

1 Size Extra

High Carbon Cr Steel Drawn Wire in Coil AISI 52100, 50100, 51100, Suitable for use in manufacture of Ball or Roller Bearings

1. Size Extra

Size (inches)	Extra ($/MT) 4th Quarter
0.688 and over	nil
0.500 - 0.687	nil
0.312 - 0.499	Base
0.250 - 0.311	11
0.188 - 0.249	66
0.174 - 0.187	221
0.094 - 0.173	232
0.083 - 0.093	277
0.062 - 0.082	431

Rev. November, 1978

BARBED WIRE 2-ply, 12.50 Gauge

Category AISI 21

Tariff Schedule Number 642.0200 Free

	3rd Quarter	4th Quarter
Base Price per Metric Ton	$551	$578

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	$42	$7	$ 9
Gulf Coast	50	5	12
Atlantic Coast	55	4	12
Great Lakes	60	4	14

Insurance 1% of base price +extras +ocean freight

25-3
Rev. Aug. 1978

Hot Rolled Sheets + Band
Width Thickness Extra ($/MT)

Width/thickness	over 12" up to 24"	From 24" thru 36"	Over 36" thru 48"	Over 48" thru 72"	Over 72" thru 76"	Over 76" thru 84"
over 0.5	---	12 + N	12 + N	12 + N	12 + N	15 + N
from 0,312 thru 0.5	26	12	12	12	12	15
from 0.251 thru 0.3119	26	12	12	12	12	13
from 0.230 thru 0.2509	17	0	0	0	7	13
from 0.180 thru 0.2299	17	0	0	0	6	12
from 0.121 thru 0.1799	17	0	0	0	11	12 + N
from 0.081 thru 0.1209	17	13	7	0	11	---
from 0.071 thru 0.0809	25	19	14	14	11 + N	---
from 0.061 thru 0.0709	38	28	21	21	---	---
from 0.0568 thru 0.0609	41	32	31	21 + N	---	---
from 0.0509 thru 0.0567	41 + N	32+N	31 + N	21 + N	---	---

Note: All above extras are to be increased by 7.38% for all sheet and band exported to the United States on or after October1, 1978.

Rev. July, 1978

3-OTHER EXTRAS

Description	$/MT
Killed	21
Fine Grain	6
Charpy	
+40°F & up	
L	16
T	21
L & T	26
under +40°F	
L	21
T	26
L & T	32
Normalize	74
Quench & Temper	127
Normalize & Temper	127
Checker	21
Pickled & Oiled	
Up to 0.172" Thickness	21
Over 0.172" Thickness	14
Others	To be specified on SSSI

(5) QUALITY

COMMERCIAL	BASE
LOCK FORMING	NONE
DRAWING	11
DRAWING SPECIAL KILLED	27
STRUCTURAL	
GRADE A	3
" B and C	5
" D and E	11

(6) QUANTITY

20ST≤ W	BASE
15ST≤ W<20ST	1
10ST≤ W<15ST	3

(7) THEORETICAL MINIMUM WEIGHING --------16

(8) OTHERS -------- SUBJECT TO NEGOTIATION

(9) Corrugating $19

Note: All above extras are to be increased by 7.14% for all sheets shipped to the U.S. on or after 10-1-78

[FR Doc. 78-32533 Filed 11-21-78; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 101 (Rev. 1)

ASSISTANT COMMISSIONER (TAXPAYER SERVICE AND RETURNS PROCESSING)

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This revision authorizes the Assistant Commissioner (Taxpayer Service and Returns Processing) and others to act on requests by State tax officials for returns and return information and for redelegation of such authority. These new officials reflect the change resulting from the reorganization of the Internal Revenue Service. Also reflected is the amendment of IRC 6103 by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455). The text of the revision appears below.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978 (43 FR 22319).

EFFECTIVE DATE: November 16, 1978

FOR FURTHER INFORMATION CONTACT:

Howard T. Martin, TX:D, 1111 Constitution Avenue NW., Room 1603, Washington, D.C. 20224, telephone number 202-566-3908 (not a toll-free telephone number).

HOWARD T. MARTIN,
Director, Disclosure Operations Division.

Date of issue: November 16, 1978.
Effective Date: November 16, 1978.
Subject: Authority to act on requests for returns and return information by States and others under IRC 6103(d) and 6103(h)(4)

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, authority is hereby delegated as follows:

(1) The Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); Director, Disclosure Operations Division and Assistant Director, Disclosure Operations Division are authorized to disclose or authorize, in specific instances, the disclosure of returns or return information to designated State tax officials, upon written request by the head of a State tax agency, for the purpose of and to the extent necessary in the administration of State tax laws, pursuant to the provisions of IRC 6103(d) and Subject to the conditions prescribed in IRC 6103 (h)(4) and (p)(8). The authority to withhold return information pursuant to IRC 6103 (d) and (h)(4) upon a determination that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation is also delegated. The authority delegated in this paragraph does not extend to the entry into Federal/State Agreements on Coordination of Tax Administration. The authority delegated in this paragraph may be redelegated only to the Chief, Tax Disclosure Branch, Disclosure Operations Division.

(2) This revision supersedes delegation order No. 101, issued February 12, 1965.

JEROME KURTZ,
Commissioner.

[FR Doc. 78-32803 Filed 11-21-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 17, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA NO. 43630, Southwestern Freight Bureau, Agent's No. B-782, rates on rubber and related articles, from specified stations in Louisana and Texas, to Pittsfield, Mass., in Sup. 102 to its tariff 13-F, ICC 5209, to become effective December 19, 1978.

Grounds for relief—destination rate relationship.

FSA NO. 43631, Southwestern Freight Bureau, Agent's No. B-775, rates on petroleum, petroleum products, and related articles, from stations in Southwestern and Western Territories, to Charity Church, S.C., in Sup. 91 to its tariff SW/S 123-P, ICC 5152, to become effective December 18, 1978.

Grounds for relief—market competition.

FSA NO. 43632, Trans-Continental Freight Bureau, Agent, No. 528, trailerload rates on sugar, beet, or cane, from Crockett and Richmond, Calif., to Amarillo and Lubbock, Tex., to be published in its tariff 23-R, ICC 1945.

Grounds for relief—market competition.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32790 Filed 11-21-78; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

Notice

NOVEMBER 7, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by December 4, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107012 (Sub-E367), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New kitchen cabinet sinks, uncrated* (1) from points in Cochise, Gila, Graham, and Greenlee Counties, AZ, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren Counties, NC. (2) from points in Apache, Coconino, Mohave, Navajo, and Yavapai, Counties, AZ, to points in Beaufort, Bertie, Camden, Chowan,

Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Allegheny, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Caraven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren Counties, NC. (3) from points in Maricopa, Pima, Pinal, and Santa Cruz Counties, AZ, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Allegheny, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Caraven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren Counties, NC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties, TN. (4) from points in Yuma County, AZ, to points in NC, Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties, TN. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E368), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New kitchen cabinet sinks, uncrated* (1) From points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humbold, Lake, Mendicino, Tehama, and Trinity Counties, CA, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; points in FL; points in GA; points in SC; points in TN. (2) From points in Inyo, Fresno, Kings and Tulare Counties, CA, to points in De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia Counties, FL; points in GA; points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Chetham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (3) From points in Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara and Ventura Counties, CA, to points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Anderson, Blount, Campbell, Carter, Clairborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN. (4) From points in San Bernardino, Imperial, Riverside and San Diego Counties, CA, to points in Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN. (5) From points in Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santo Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; points in GA; points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E369), filed May 16, 1974. Applicant: North American Van Lines, Inc., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New kitchen cabinet sinks, uncrated,* (1) from points in Garfield, Mesa, Moffat, Rio Blanco and Routt

Counties, CO, to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwanne, Taylor and Wakulla Counties, FL; points in GA; points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson and Wilson Counties, TN. (2) From points in Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit and Teller Counties, CO, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putman, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia Counties, FL; Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA; to points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN. (3) From points in Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan and San Miguel Counties, CO, to points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN. (4) From points in Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO, to the points in Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC. (5) From points in Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole and Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwanne, Taylor and Wakulla Counties, FL; points in GA; points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, and White Counties, TN. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E370), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New kitchen cabinet sinks, uncrated,* (1) From points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID, to points in TN. (2) From points in Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID, to points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Summer, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E371), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New kitchen cabinet sinks, uncrated,* (1) From points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, and Wright Counties, IA, to points in AL; points in FL; points in GA; points in NC; points in SC; points in TN. (2) From points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, and Webster Counties, IA, to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; points in GA; points in NC; points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Graniger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk,

Rhea, Roane, Sequatchie, Van Buren, Warren, and White Counties, TN. (3) From points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, and Saint Lucie Counties, FL; Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren Counties, NC: Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC. (4) From points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, and Union Counties, IA, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, and Screven Counties, GA; points in NC; points in SC: Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties, TN. (5) From points in Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, IA, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; points in FL; points in GA; points in NC; points in SC: Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, and Wilson Counties, TN. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E372), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *New kitchen cabinet sinks, uncrated*, (1) from points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, KS, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenior, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties, NC; Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC; points in VA; (2) from points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner, and Washington Counties, KS, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren Counties, NC; points in VA; (3) from points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, and Wichita Counties, KS, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrell, Washington, Wilson, Alexander, Al-

leghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren Counties, NC; to points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties, TN; points in VA; (4) from points in Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, and Woodson Counties, KS, to points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford, and Westmoreland Counties and independent cities of: Alexandria, Fairfax, Falls Church, and Fredericksburg; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, and York Counties and independent cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and independent cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, and Waynesboro; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, and Warren Counties and cities of Harrisonburg and Winchester, VA. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E373), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *New kitchen cabinet sinks, uncrated,* (1) from points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse,, Wadena, Wilkin, and Yellow Medicine Counties, MN, to points in TN; (2) from points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, MN, to points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatche, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E374), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *New kitchen cabinet sinks, uncrated,* (1) from points in Bolivar, Carro, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo, MS, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, and Trinity Counties, CA; points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID; points in OR; points in Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties, SD; (2) from points in Covington, Forrest, George, Greene, Hancok, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, and Wayne Counties, MS, to points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID; points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Harney, Klamath, Lake Malheur, Baker, Grant, Morrow, Umatilla, Union, and Wallowa Counties, OR; points in Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties, SD; (3) from points in Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Nexubee, Rankin, Scott, Simpson, Smith, and Winston Counties, MS, to points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID; points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Baker, Grant, Morrow, Umatilla, Union, and Wallowa Counties, OR; Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties, SD; (4) from points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall, and Wilkinson Counties, MS, to points in Benewah, Bonner, boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID; points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, OR; points in Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties, SD; (5) from points in Alcorn, Benton, Calhoun,

Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA; points in ID; points in Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe Counties, NV; points in OR; points in Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties, SD. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E375), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *New kitchen cabinet sinks, uncrated,* (1) points in Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, and Yellowstone Counties, MT, to points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA; (2) From points in Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, and Valley Counties, MT, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, and Woodruff Counties, AR; points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA; (3) from points in Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, and Wheatland Counties, MT, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, and Woodruff Counties, AR; points to Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA; (4) from points in Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, and Sanders Counties, MT, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA. (Gateway eliminated: St. Charles, IL.)

MC 107403 (Sub-E296) (correction), filed May 29, 1974, published in the FEDERAL REGISTER issue of July 31, 1974, and partially republished, as corrected, this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: John Nelson (same address as above). *Dry chemicals,* in bulk, in tank vehicles, * * * (2) from points in KY to points in PA. (Gateways eliminated: Zanesville and Riverview, OH.)

NOTE.—The purpose of this republication is to add part (2), previously omitted. The remainder of this letter notice remains as previously published.

MC 107515403 (Sub-E667), filed December 20, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 33050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers, I-3390 Peachtree Road NE., Atlanta, GA 30326. (I) *Bananas, fresh and cured meats, frozen foods, and dairy products* (except in bulk), from New Orleans, LA, and Gulfport, MS, to points in that part of TN on or east of a line beginning at the GA-TN State line and extending along TN Hwy 58 to junction U.S. Hwy 127, then along U.S. Hwy 127 to junction TN Hwy 111, then along Hwy 111 to junction TN Hwy 135, then along TN Hwy 135 to junction TN Hwy 53, then along TN Hwy 53 to the KY-TN State line; (II) *frozen foods, fresh and cured meats, and dairy products* (except in bulk) from Ponchatoula, LA, to points in ME, VT, and NH; (III) *canned goods and frozen foods* (except in bulk), and *advertising, promotional, and display materials* when moving in the same vehicles at the same time with canned goods and frozen foods, from the facilities and plantsite of Delta Food Processing Corp. at Moorhead, MS, to points in ME, VT, and NH, restricted to the transportation of traffic originating at the named plantsite and facilities; (IV) *meats* (fresh, frozen, salted, cooked, or cured) (except in bulk), from Grenada, MS, to points in ME, VT, and NH. Restrictions: The authority granted herein is subject to the following conditions: All transportation authorized herein is restricted to transportation in vehicles equipped with mechanical refrigeration. The Commission reserves the right, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. (Gateway eliminated: Doraville (Atlanta) GA.)

MC 114868 (Sub-E40) filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr. (same as above). *Household goods,* (1) between points in TX, on the one hand, and, on the other, points in CT (Gateways—points in KY within 125 miles of Nashville, and Washington, DC); (2) between points in TX, on the one hand, and, on the other, points in DE (Gate-

ways—points in KY within 125 miles of Nashville, and Washington, DC); (3) between points in TX, on the one hand, and on the other, points in IN within 10 miles north of the Ohio River (Gateway—points in TN within 125 miles of Nashville); (4) between points in TX, on the one hand, and, on the other, points in MD (Gateways—points in KY within 125 miles of Nashville, and Washington, DC); (5) between points in TX, on the one hand, and, on the other, points in MA (Gateways—points in KY within 125 miles of Nashville, and Washington, DC); (6) between points in TX west of a line beginning at the TX-OK State line extending along U.S. Hwy 87 junction U.S. Hwy 277, then along U.S. Hwy 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in Tiskomingo, Alcorn, Tippah, Benton, Prentiss, Union, Pontotoc, and Itawamba Counties, MS (Gateway—points in AL within 125 miles of Nashville); (7) between points in TX, on the one hand, and, on the other points in NJ (Gateways—points in Ky within 125 miles of Nashville, and Washington, DC); (8) between points in TX east of a line beginning at the TX-OK State line extending along U.S. Hwy 277 to junction U.S. Hwy 82, then along U.S. Hwy 82 to junction U.S. Hwy 277, then along U.S. Hwy 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in NY east of a line beginning at the NY-PA State line extending along NY Hwy 19 to junction NY Hwy 39, then long NY Hwy 39 to junction U.S. Alternate Hwy 20, then along U.S. Alternate Hwy 20 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the United States-Canada International Boundary line. (Gateway—points in KY within 125 miles of Nashville, and Washington, DC); (9) between points in TX, on the one hand, and, on the other, points in NC east of U.S. Hwy 301 (Gateway—points in KY within 125 miles of Nashville, and Washington, DC); (10) between points in TX, on the one hand, and, on the other, points in OH within 10 miles north of the Ohio River (Gateways—points in TN and KY within 125 miles of Nashville); (11) between points in TX, on the one hand, and, on the other, points in PA east of a line beginning at the MD-PA State line extending along U.S. Hwy 220 to junction U.S. Hwy 22, then along U.S. Hwy 22 to junction PA Hwy 45, then along PA Hwy 45 to junction PA Hwy 445, then along PA Hwy 445 to junction PA Hwy 64, then along PA Hwy 64 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction PA Hwy 287, then along PA Hwy 287 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-NY State line (Gateway—points in KY within 125 miles of Nashville, and Washington, DC); (12) between points in TX, on the one hand, and, on the other, points in VA (Gateways—points in KY within 125 miles of Nashville, and Washington, DC); (13) between points in TX, on the one hand, and, on the other, points in WV (Gateways—points in KY within 125 miles of Nashville and Washington, DC); (14) between points in TX, on the one hand, and, on the other, points in Washington, DC (Gateway—points in KY within 125 miles of Nashville); (15) between points in TX, on the one hand, and, on the other, points in RI (Gateways—points in KY within 125 miles of Nashville and Washington, DC).

MC 114868 (Sub-E46), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr. (same as above). *Household goods,* (1) Between points in IN, on the one hand, and, on the other, points in IL south of a line beginning at the IL-MO State line extending along U.S. Hwy 36 to junction IL Hwy 106, then along IL Hwy 106 to junction IL Hwy 108, then along IL Hwy 108 to junction U.S. Hwy 66, then north along U.S. Hwy 66 to junction IL Hwy 127, then along IL Hwy 127 to junction IL Hwy 15, then along IL Hwy 15 to the IL-IN State line. (Gateway eliminated: points in KY within 125 miles of Nashville.) (2) Between points in IN, on the one hand, and, on the other, points in KY. (Gateway eliminated: points in KY within 125 miles of Nashville.) (3) Between points in IN within 10 miles north of the Ohio River, on the one hand, and, on the other, points in SC. (Gateway eliminated: points in KY within 125 miles of Nashville.) (4) Between points in IN south of IN Hwy 64, on the one hand, and, on the other, points in WI. (Gateway eliminated: points in KY within 125 miles of Nashville.) (5) Between points in IN south of a line beginning at the IN-IL State line extending along Interstate Hwy 70 to junction IN Hwy 46, then along IN Hwy 46 to the IN-OH State line, on the one hand, and, on the other, points in MD. (Gateways eliminated: points in KY within 125 miles of Nashville, and Washington, DC.) (6) Between points in IN within 10 miles north of the Ohio River, on the one hand, and, on the other, points in MI. (Gateway eliminated: points in KY within 125 miles of Nashville.) (7) Between points in IN within 10 miles north of the Ohio River, on the one hand, and, on the other, points in MN. (Gateway eliminated: points in KY within 125 miles of Nashville.) (8) Between points in IN within 10 miles north of the Ohio River, on the one hand, and, on the other, points in MO. (Gateway eliminated: points in KY within 125 miles of Nashville.)

MC 114868 (Sub-E48), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr. (same as above). *Household goods,* (1) between points in LA, on the one hand, and, on the other, points in CT. (Gateways eliminated: Washington, DC and points in KY within 125 miles of Nashville); (2) between points in LA, on the one hand, and, on the other, points in DE. (Gateways eliminated: points in KY within 125 miles of Nashville and Washington, DC); (3) between ponts in LA, on the one hand, and, on the other, points in MA (Gateways eliminated: points in AL within 125 miles of Nashville and Washington, DC); (4) between points in LA, on the one hand, and, on the other, points in MI (Gateway eliminated: points in AL within 125 miles of Nashville); (5) between points in LA, on the one hand, and, on the other, points in MN (Gateway eliminated: points in AL within 125 miles of Nashville); (6) between points in LA, on the one hand, and, on the other, Washington, DC (Gateway eliminated: points in AL within 125 miles of Nashville); (7) between points in LA, on the one hand, and, on the other, points in GA (Gateway eliminated: points in AL); (8) between points in LA, on the one hand, and, on the other, points in IL east of Interstate Hwy 57 (Gateway eliminated: points in AL within 125 miles of Nashville); (9) between points in LA, on the one hand, and, on the other, points in IN within 10 miles north of the Ohio River (Gateway eliminated: points in TN within 125 miles of Nashville); (10) between points in LA, on the one hand, and, on the other, points in KY (Gateway eliminated: points in KY within 125 miles of Nashville); (11) between points in LA, on the one hand, and, on the other, points in MD (Gateway eliminated: points in AL within 125 miles of Nashville); (12) between points in LA, on the one hand, and, on the other, points in MS (Gateway eliminated: points in AL within 125 miles of Nashville); (13) between points in LA south of U.S. Hwy 84, on the one hand, and, on the other, points in MO (Gateway eliminated: points in AL within 125 miles of Nashville); (14) between points in LA, on the one hand, and, on the other, points in NJ (Gateway eliminated: points in KY within 125 miles of Nashville and Washington, DC); (15) between points in LA, on the one hand, and, on the other, points in NY (Gateway eliminated: points in AL within 125 miles of Nashville); (16) between points in LA, on the hand, and, on the other, points in NC (Gateway eliminated: points in AL within 125 miles of

Nashville); (17) between points in LA, on the one hand, and, on the other, points in OH (Gateway eliminated: points in AL within 125 miles of Nashville); (18) between points in LA, on the one hand, and, on the other, points in PA (Gateways eliminated: points in KY within 125 miles of Nashville and Washington, DC); (19) Between points LA, on the one hand, and, on the other, points in RI (Gateways eliminated: points in AL and KY within 125 miles of Nashville and Washington, DC); (20) between points in LA, on the one hand, and, on the other, points in SC north of a line beginning at the GA-SC State line extending along U.S. Hwy 378 to junction U.S. Hwy 178, then along U.S. Hwy 178 to the Atlantic Ocean (Gateway eliminated: points in AL within 125 miles of Nashville); (21) between points in LA, on the one hand, and, on the other, points in TN (Gateways eliminated: points in TN and AL within 125 miles of Nashville); (22) between points in LA, on the one hand, and, on the other, points in VA (Gateway eliminated: points in AL within 125 miles of Nashville); (23) between points in LA, on the one hand, and, on the other, points in WV (Gateway eliminated: points in AL within 125 miles of Nashville); (24) between points in LA, on the one hand, and, on the other, points in WI north and east of a line beginning at the IL-WI State line extending along U.S. Hwy 51 to junction U.S. Hwy 10, then along U.S. Hwy 10 to junction U.S. Hwy 53, then along U.S. Hwy 53 to junction WI Hwy 70, then along WI Hwy 70 to the WI-MN State line (Gateway eliminated: points in AL within 125 miles of Nashville).

MC 114868 (Sub-E51), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr. (same as above). *Household goods*, (*1*) between points in GA, on the one hand, and, on the other, points in MI (Gateway—points in AL within 125 miles of Nashville); (2) between points in GA, on the one hand, and, on the other points in MA (Gateways—points in AL and KY within 125 miles of Nashville and Washington, DC); (3) between points in GA, on the one hand, and, on the other, points in MN (Gateway—points in AL within 125 miles of Nashville); (4) between points in GA, on the one hand, and, on the other, points in IN (Gateway—points in AL within 125 miles of Nashville); (5) between points in GA, on the one hand, and, on the other, points in CT (Gateways—points in AL and KY within 125 miles of Nashville and Washington, DC); (6) between points in GA north and west of a line beginning at the GA-TN State line extending along GA Hwy 5 to junction GA Hwy 52, then along GA Hwy 52 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction GA Hwy 20, then along GA Hwy 20 to junction GA Hwy 36 then along GA Hwy 36 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction GA Hwy 26, then along GA Hwy 26 to junction U.S. Hwy 27, then along U.S. Hwy 27 to the GA-AL State line, on the one hand, and, on the other, points in DE (Gateway—points in AL within 125 miles of Nashville); (7) between points in GA, on the one hand, and, on the other, points in IL (Gateway—points in AL within 125 miles of Nashville); (8) between points in GA, on the one hand, and, on the other, points in VA within 125 miles of Washington, DC (Gateway—Washington, DC); (9) between points in GA, on the one hand, and, on the other, points in MO (Gateway—points in AL within 125 miles of Nashville); (10) between points in GA west of a line beginning at the GA-NC State line extending along GA Hwy 11 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction Interstate 75, then along Interstate Hwy 75 to the GA-FL State line, on the one hand, and, on the other, points in NY (Gateway—points in AL within 125 miles of Nashville); (11) between points in GA, on the one hand, and, on the other, points in OK (Gateway—points in AL within 125 miles of Nashville); (12) between points in GA, on the one hand, and, on the other, points in RI (Gateways—points in AL and KY within 125 miles of Nashville, and Washington, DC); (13) between points in GA west of a line beginning at the GA-NC State line extending along GA Hwy 11 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction GA Hwy 257, then along GA Hwy 257 to junction GA Hwy 333, then along GA Hwy 333 to junction GA Hwy 97, then along GA Hwy 97 to the GA-FL State line, on the one hand, and, on the other, points in PA (Gateway—points in AL within 125 miles of Nashville); (14) between points in GA, on the one hand, and, on the other, points in NJ (Gateway—points in AL within 125 miles of Nashville); (15) between points in GA, on the one hand, and, on the other, points in KY (Gateways—points in AL and KY within 125 miles of Nashville); (16) between points in GA, on the one hand, and, on the other, points in MD (Gateway—Washington, DC); (17) between points in GA, on the one hand, and, on the other, points in OH (Gateways—points in AL and KY within 125 miles of Nashville); (18) between points in GA, on the one hand, and, on the other, points in TX north and west of a line beginning at the TX-OK State line extending along TX Hwy 37 to junction U.S. Hwy 80, then, along U.S. Hwy 80 to junction TX Hwy 19, then along TX Hwy 19 to junction TX Hwy 31, then along TX Hwy 31 to junction Interstate Hwy 45, then along Interstate Hwy 45 to junction TX Hwy 14, then along TX Hwy 14 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction TX Hwy 16, then along TX Hwy 16 to junction U.S. Hwy 190, then along U.S. Hwy 190 to junction U.S. Hwy 87, then along U.S. Hwy 87 to junction U.S. Hwy 57, then along U.S. Hwy 57 to the United States-Mexico International Boundary line (Gateway—points in AL within 125 miles of Nashville); (19) between points in GA, on the one hand, and, on the other, points in WV (Gateway—points in AL within 125 miles of Nashville); (20) between points in GA, on the one hand, and, on the other, points in WI (Gateway—points in AL within 125 miles of Nashville); (21) between points in Dade, Walker, Chattanooga, Catoosa, and Whitfield Counties, GA, on the one hand, and, on the other, points in NC (Gateway—points in AL within 125 miles of Nashville); (22) between points in Dade, Walker, Chattanooga, Catoosa, and Whitfield Counties, GA, on the one hand, and, on the other, points in SC (Gateway—points in AL within 125 miles of Nashville).

MC 114868 (Sub-E52), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr. (same as above). *Household goods* (1) between points in MS, on the one hand, and, on the other, points in CT (Gateway—points in AL within 125 miles of Nashville); (2) between points in MS, on the one hand, and, on the other, points in DE (Gateway—points in AL within 125 miles of Nashville); (3) between points in MS, on the one hand, and, on the other, point in DC (Gateway—points in AL within 125 miles of Nashville); (4) between points in MS, on the one hand, and, on the other, points in IL (Gateway—points in AL within 125 miles of Nashville); (5) between points in MS, on the one hand, and, on the other, points in IN (Gateway—points in AL within 125 miles of Nashville); (6) between points in MS, on the one hand, and, on the other, points in MA (Gateway points in AL within 125 miles of Nashville); (7) between points in MS, on the one hand, and, on the other, points in MI (Gateway—points in AL 125 miles of Nashville); (8) between points in MS east of a line beginning at TN-MS State line extending along U.S. Hwy 51 to junction MS Hwy 35, then along MS Hwy 35 to junction U.S. Hwy 49, then along U.S. Hwy 49 to junction Interstate Hwy 59, then along Interstate Hwy 59 to the MS-LA State line, on the one hand, and, on the other, points in MN (Gate-

way—points in AL within 125 miles of Nashville); (9) between points in MS east and north of a line beginning at the MS-AL State line extending along U.S. Hwy 45 to junction U.S. Alternate Hwy 45, then along U.S. Alternate Hwy 45 to to junction U.S. Hwy 78, then along U.S. Hwy 78 to the MS-IN State line, on the one hand, and, on the other, points in MO (Gateway—points in AL within 125 miles of Nashville); (10) between points in MS, on the one hand, and, on the other, points in NJ (Gateway—points in AL within 125 miles of Nashville); (11) between points in MS, on the one hand, and, on the other, points in NC (Gateway—points in AL within 125 miles of Nashville); (12) between points in MS, on the one hand, and, on the other, points in NY (Gateway—points in AL within 125 miles of Nashville); (13) between points in MS, on the one hand, and, on the other, points in MD (Gateway—points in AL within 125 miles of Nashville); (14) between points in MS, on the one hand, and, on the other, points in OH (Gateway—points in AL within 125 miles of Nashville); (15) between points in MS, on the one hand, and, on the other, points in PA (Gateway—points in AL within 125 miles of Nashville and Washington, DC); (16) between points in MS north and east of a line beginning at the AR-MS State line extending along MW Hwy 8 to junction U.S. Hwy 49, then along U.S. Hwy 49 to junction U.S. Hwy 82, then along U.S. Hwy 82 to junction MS Hwy 35, then along MS Hwy 35 to junction MS Hwy 19, then along MS Hwy 19 to the MS-AL State line on the one hand, and, on the other, points in OK (Gateway—points in AL within 125 miles of Nashville); (17) between points in MS, on the hand, and, on the other, points in RI (Gateway—points in AL within 125 miles of Nashville); (18) between points in MS on the one hand, and, on the other, points in VA (Gateway—points in AL within 125 miles of Nashville); (19) between points in MS north of Interstate Hwy 20, on the one hand, and, on the other, points in SC (Gateway—points in AL within 125 miles of Nashville); (20) between Tiskomingo, Alcorn, Tippah, Benton, Prentiss, Union, Pontotoc, and Itawamba Counties, MS, on the one hand, and, on the other, points in TX west of a line beginning at the TX-OK State line extending along U.S. Hwy 87 to junction U.S. Hwy 277, then along U.S. Hwy 277 to the United States-Mexico International Boundary line (Gateway—points in AL within 125 miles of Nashville); (21) between points in MS, on the one hand, and, on the other, points in WV (Gateway—points in AL within 125 miles of Nashville); (22) between points in MS, on the one hand, and, on the other, points in WI (Gateway—points in AL within 125 miles of Nashville); (23) between points in MS east and north of a line beginning at the AL-MS State line extending along U.S. Hwy 78 to junction U.S. Hwy 45, then along U.S. Hwy 45 to the MS-TN State line, on the one hand, and, on the other, points in FL east of a line beginning at the FL-GA State line extending along U.S. Hwy 221 to junction trunk hwy 361A, then along trunk hwy 361A to the Gulf of Mexico (Gateway—points in AL within 125 miles of Nashville); and (24) between points in MS, on the one hand, and, on the other, points in GA (Gateway-points in AL).

MC 114868 (Sub-E53), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr., (same as above). *Household goods*, (1) between points in VA east of a line beginning at the NC-VA State line extending along Interstate Hwy 85 to junction VA Hwy 46, then along VA Hwy 46 to junction VA Hwy 40, then along VA Hwy 40 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction VA Hwy 20, then along VA Hwy 20 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction VA Hwy 231, then along VA Hwy 231 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the VA-MD State line, on the one hand, and on the other, points in IL north of U.S. Hwy 36 (Gateway: Washington, DC); (2) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in CT (Gateway: Washington, DC); (3) between points in VA within 125 miles of Washington, DC, on the one hand, and on the other, points in DE (Gateway: Washington, DC); (4) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in IN (Gateway: Washington, DC); (5) between points in VA, on the one hand, and, on the other, points in KY east of U.S. Hwy 75 (Gateway: Washington, DC); (6) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in MA (Gateway: Washington, DC); (7) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in MI (Gateway: Washington, DC); (8) between points in VA north of U.S. Hwy 60, on the one hand, and, on the other, points in MN (Gateways: Points in KY within 125 miles of Nashville, and Washington, DC); (9) between points in VA north of U.S. Hwy 60, on the one hand, and, on the other, points in MO (Gateways: Points in KY within 125 miles of Nashville, and Washington, DC); (10) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in NJ (Gateway: Washington, DC); (11) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in OH (Gateway: Washington, DC); (12) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in NC (Gateway: Washington, DC); (13) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in NY (Gateway: Washington, DC); (14) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in RI (Gateway: Washington, DC); (15) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in PA (Gateway: Washington, DC); (16) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in SC (Gateway: Washington, DC); (17) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in WV (Gateway: Washington, DC); and (18) between points in VA within 125 miles of Washington, DC, on the one hand, and, on the other, points in MD (Gateway: Washington, DC).

MC 115331 (Sub-E22) (Correction), filed May 7, 1974, published in the FEDERAL REGISTER issue of April 21, 1976, and partially republished, as corrected, this issue. Applicant: TRUCK TRANSPORT INC., 230 Saint Clair Avenue, East St. Louis, IL 66201. Representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. (13) *Lime* (except lime used for agricultural purposes), in bulk, from points in IL beginning at the IL-IN State line extending on and north of Interstate Hwy 70 to junction U.S. Hwy 51, then on and east along U.S. Hwy 51 to junction U.S. Hwy 36, then south along U.S. Hwy 36 to the IL-IN State line, to points in AZ, points in LA beginning at the LA-AR State line extending on and west of U.S. Hwy 165 to the Gulf of Mexico, points in TX on and south of a line beginning at the TX-NM State line extending along U.S. Hwy 70 to the TX-OK State line (except Houston and points in TX within 50 miles thereof), and points in NM beginning at the NM-TX State line extending on and south of U.S. Hwy 60 to junction U.S. Hwy 285, then west along U.S. Hwy 285 to the NM-CO State line. (Gateways eliminated: Ste. Genevieve, MO and Limedale, AR.) (20) *Lime* (except lime used for agricultural purposes), in bulk, from points in IL beginning at the IL-MO State line extending north along Interstate Hwy 70 to junction U.S. Hwy 51, then west along U.S. Hwy 51 to

junction U.S. Hwy 36, then south along U.S. Hwy 36 to the IL-MO State line, to points in LA, points in NM beginning at the NM-TX State line extending south along U.S. Hwy 60 to junction Interstate Hwy 85, then west along Interstate Hwy 85 to junction U.S. Hwy 66, then south along U.S. Hwy 66 to the NM-AZ State line; points in AZ on and south and west of a line beginning at the AZ-NM State line, and extending along U.S. Hwy 66 to junction U.S. Hwy 89, then north along U.S. Hwy 89 to the AZ-UT State line; those points in TX on and south of a line beginning at the TX-NM State line extending along U.S. Hwy 70, then along U.S. Hwy 70 to the TX-OK State line (except Houston and points in TX within 50 miles thereof) (Gateways eliminated: Sts. Genevieve, MO and Limedale, AR.)

NOTE.—The purpose of this republication is to correct the territorial descriptions in part (13) and (20) above. The remainder of this letter-notice remains as previously published.

MC 116073 (Sub-E72), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages from Pocatello, Lewiston, Idaho, Falls, Moscow, Couer d'Alene, Twin Falls, Boise, Smelterville, Garden City, Nampa, and Kellogg, ID, to points in the United States on and east of the Mississippi River including MN, IA, MO, AR, and LA (except shipments from Pocatello, Idaho Falls, Twin Falls, Boise, Garden City, and Nampa, ID, to points in AR, AL, MS, LA, MO, IA, IL, KY, and TN). (Gateway eliminated: Roosevelt County, MT.)

MC 117574 (Sub-E120) (correction), filed July 16, 1975, published in the FEDERAL REGISTER issue of September 20, 1978, and partially republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as above). *Agricultural implements, agricultural machinery, tractors,* with or without attachments, cranes, industrial and processing machinery, *and attachments, accessories, and parts,* of all of the above described commodities, which are also heavy machinery or contractors equipment, and are also machinery, commodities which, because of size or weight require the use of special equipment or special handling (except boats), or, self-propelled articles each weighing 15,000 pounds or more (when transported on trailers) * * * (4) between points in the NC Counties of Cabarrus, Mecklenburg, and Rowan, on the one hand, and, on the other, points in ID, MT, OR, WA, and those points in CA on and west of a line beginning at the CA-NV State line southwest along U.S. Hwy 6 to junction U.S. Hwy 395, then south along U.S. Hwy 395 to junction CA Hwy 178, then southwest along CA Hwy 178 to junction CA Hwy 99, then south along CA Hwy 99 to junction CA Hwy 119, then southwest along CA Hwy 119 to junction CA Hwy 166, then northwest along CA Hwy 166 to its termination at the Pacific Ocean; points in NV on and north of a line beginning at the UT-NV State line northwest along NV Hwy 25 to junction U.S. Hwy 6, then southwest along U.S. Hwy 6 to the CA-NV State line; points in ND on and west of a line beginning at the ND-Canadian border south along ND Hwy 1 to junction ND Hwy 66, then west along ND Hwy 66 to junction ND Hwy 3, then south along ND Hwy 3 to junction U.S. Hwy 52, then northwest along U.S. Hwy 52 to junction ND Hwy 14, then south along ND Hwy 14 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to the ND-SD State line; points in SD on and west of a line beginning at the ND-SD State line south along U.S. Hwy 83 to junction SD Hwy 20, then east along SD Hwy 20 to junction SD Hwy 47, then south along SD Hwy 47 to junction U.S. Hwy 212, then west along U.S. Hwy 212 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to junction U.S. Hwy 14, then southwest along U.S. Hwy 14 to junction SD Hwy 79, then south along SD Hwy 79 to junction U.S. Hwy 18, then west along U.S. Hwy 18 to the SD-WY State line; points in UT on and west of a line beginning at the WY-UT State line southwest along Interstate Hwy 80 to junction U.S. Hwy 189, then south along U.S. Hwy 189 to junction U.S. Hwy 50, then southeast along U.S. Hwy 50 to junction UT Hwy 10, then south along UT Hwy 10 to junction UT Hwy 29, then west along UT Hwy 29 to junction U.S. Hwy 89, then southwest along U.S. Hwy 89 to junction UT Hwy 14, then west along UT Hwy 14 to junction UT Hwy 56, then northwest along UT Hwy 56 to the UT-NV State line; points in WY on and north of a line beginning at the SD-WY State line southwest along U.S. Hwy 18 to junction U.S. Hwy 26, then northwest along U.S. Hwy 26 to junction WY Hwy 789, then south along WY Hwy 789 to junction U.S. Hwy 287, then south along U.S. Hwy 287 to junction WY Hwy 28, then southwest along WY Hwy 28 to junction U.S. Hwy 187, then south along U.S. Hwy 187 to junction Interstate Hwy 80, then west along Interstate Hwy 80 to the WY-UT State line * * *. (Gateways eliminated: Waynesboro and Stitz, PA.)

NOTE.—The purpose of this republication is to add the origin States of OR and WA, previously omitted. The remainder of this letter-notice remains as previously published.

MC 117574 (Sub-E165), filed January 20,1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as above). *Commodities* which because of size or weight require the use of special equipment, and *related materials, supplies, and parts,* of such commodities when their transportation is incidental thereto, except machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines: (1) Between points in Butler, Clermont, Hamilton, and Warren Counties, OH, on the one hand, and, on the other, all points in DE, MD, NJ, NY, and DC. (Gateways eliminated: points in IN on the IN-OH State line; points in KY on the KY-OH State line.) (2) Between points in Drake, Miami, Montgomery, and Preble Counties, OH, on the one hand, and, on the other, points in DE, MD, NJ, NY, and DC. (Gateways eliminated: points in IN on the IN-OH State line.) (3) Between points in Allen, Auglaize, Mercer, Shelby, and Van Wert Counties, OH, on the one hand, and, on the other, points in DE, NJ, DC, and points in MD (except Garrett County), and points in NY (except points in Cattaraugus and Chatauqua Counties). (Gateways eliminated: points in IN on the IN-OH State line.) (4) Between points in Defiance, Fulton, Henry, Lucas, Paulding, Putnam, Williams, and Wood Counties, OH, on the one hand, and, on the other, points in DE, MD, NJ, NY, and DC. (Gateways eliminated: points in IN or MI on the IN-OH State line or MI-OH State line.)

MC 117574 (Sub-E166), filed January 20, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as above). *Iron and steel and iron and steel products, machinery, boilers, and contractor's equipment,* restricted to the transportation of such commodities which because of their size or weight require the use of special equipment, and *related materials, supplies, and parts,* of such commodities when their transportation is incidental thereto, or, self-propelled articles each weighing 15,000 pounds or more (when transported on trailers) and related machinery, tools, parts, and supplies moving in connection therewith, (1) between points in Hamilton County, OH, on the one hand, and, on the other, points in NY and PA, and those points in WV on and east of a line beginning at the OH-WV State line on U.S. Hwy 50, then along

U.S. Hwy 50 to junction WV Hwy 14, then along WV Hwy 14 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction WV Hwy 16, then along WV Hwy 16 to the junction U.S. Hwy 60, then along U.S. Hwy 60 to the VA-WV State line. (Gateways eliminated: points on IN-OH State line or the KY-OH State line and Franklin County, OH (Columbus, OH.) (2) Between points in Butler County, OH, on the one hand, and, on the other, points in NY, PA, and those in WV on and north of a line beginning at the OH-WV State line on WV Hwy Alternate 50, then along WV Hwy Alternate 50 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 250, then along U.S. Hwy 250 to the VA-WV State line. (Gateways eliminated: points on the IN-OH State line, and Franklin County, (Columbus, OH).)

MC 117574 (Sub-E167), filed January 20,1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as above). *Iron and steel articles*, the transportation of which because of size or weight require the use of special equipment, and *related materials, supplies, and parts*, of such commodities when their transportation is incidental thereto, (1) from points in IN on and east of a line beginning at the IN-OH State line on U.S. Hwy 35, then along U.S. Hwy 35 to junction U.S. Hwy 31, then along U.S. Hwy 31 to the IN-MI State line and points in the lower peninsula of Michigan to points in KY on and east of a line beginning at the KY-OH State line on Interstate Hwy 71, then along Interstate Hwy 71 to junction Interstate Hwy 65, then along Interstate Hwy 65 to junction KY Hwy 80, then along KY Hwy 80 to junction U.S. Hwy 79, then along U.S. Hwy 79 to the KY-IN State line, and points in TN on and east of U.S. Hwy 79. (Gateway eliminated: Hamilton, OH.) (2) From points in IL on and east of a line beginning at the IL-IN State line on U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 45, then along U.S. Hwy 45 to junction Interstate Hwy 90, then along Interstate Hwy 90 to the IL-WI State line, points in IN on and north of a line beginning at the IL-IN State line on U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 35, then along U.S. Hwy 35 to the IN-OH State line, points in MI, MN, and those in WI on and north of a line beginning at the IL-WI State line on Interstate Hwy 90 then along Interstate Hwy 90 to junction U.S. Hwy 14, then along U.S. Hwy 14 to the MN-WI State line to points in KY on and east of a line beginning at the IN-KY State line on KY Hwy 55, then long KY Hwy 55 to junction U.S. Hwy 68, then along U.S. Hwy 68 to junction U.S. Hwy 31E, then along U.S. Hwy 31E to the KY-TN State line, and points in TN on and east of U.S. Hwy 321. (Gateway eliminated: Hamilton, OH.)

MC 123407 (Sub-E519), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Materials used in the manufacture and distribution of rafters, joists, and roof trusses* (except commodities in bulk, and those which, because of size or weight, require special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, waterrail, or by air, from points in OK, AR, TX, LA, and MS to Columbus, OH. Restriction: Said operations are restricted to the transportation of shipments originating at points in the above-named origin States and destined to the facilities of Trus Joist Corp. at Columbus, OH. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E520), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Materials used in the manufacture and distribution of rafters, joists, and roof trusses* (except commodities in bulk, and those which, because of size or weight, require special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, waterrail, or by air, from points in Marshall, Calloway, McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton Counties, KY, to Columbus, OH. Restriction: Said operations are restricted to the transportation of shipments originating at points in the above-named origin States and destined to the facilities of Trus Joist Corp. at Columbus, OH. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E521), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Materials used in the manufacture and distribution of rafters, joists, and roof trusses* (except commodities in bulk, and those which, because of size or weight, require special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, waterrail, or by air, from points in Baldwin, Mobile, Washington, and Clarke Counties, AL, to Columbus, OH. Restriction: Said operations are restricted to the transportation of shipments originating at points in the above-named origin States and destined to the facilities of Trus Joist Corp. at Columbus, OH. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E541), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Hawen Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Materials used in the manufacture and distribution of rafters, joists, and roof trusses* (except commodities in bulk, and those which, because of size or weight, require special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, waterrail, or by air, from points in TN in and west of Henry, Benton, Decatur, and Hardin Counties, to points in OH. Restriction: Said operations are restricted to the transportation of shipments originating at points in the above-named origin State and destined to the facilities of Trus Joist Corp. at Columbus, OH. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E543), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Materials used in the manufacture and distribution of rafters, joists, and roof trusses* (except commodities in bulk, and those which, because of size or weight, require special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, waterrail, or by air, from points in AZ and NM, to Columbus, OH. Restriction: Said operations are restricted to the transportation of shipments originating at points in the above-named origin States and destined to the facilities of Trus Joist Corp. at Columbus, OH. (Gateway eliminated: Cairo, IL.)

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32792 Filed 11-21-78; 8:45 am]

[7035-01-M]

[Notice No. 218]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 9, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative,

if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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 the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 3252 (Sub-105TA), filed October 3, 1978. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium chlorate*, in bulk, from Orrington, ME, to points in NH, VT, MA, RI, CT, NY, NJ, PA, and ports of entry located on or near the international boundary line between United States and Canada located in ME, NH, VT, and NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Minerals & Chemicals Corp., Traffic Department, Mundelein, IL 60060. Send protests to: Interstate Commerce Commission, Bureau of Operations, Room 305, 76 Pearl Street, Portland, ME 04111.

MC 8744 (Sub-14TA), filed October 3, 1978. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 909 Grant Street, Bluefield, WV 24701. Representative: John M. Friedman, 2930 Putman Avenue, Hurricane, WV 25526. 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 over regular routes, between Smithers, WV, and Charleston, WV, commercial zone as defined by the Commission. Between Princeton, WV, and Charleston, WV, over the WV turnpike and return over the same route. Restriction: The authority herein is restricted to (1) Traffic originating at or destined to points in VA and KY now served by carrier and, (2) traffic received from or interchanged with connecting carriers at Bluefield, WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pyott-Boone, Inc., P.O. Box 809, Tazewell, VA 24651, Bluefield Supply Co., Route 102 north, Bluefield, VA 24705, Owens Mfg., Inc., P.O. Box 1490, Bristol, VA 24201. Send protests to: Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 16077 (Sub-400TA), filed October 13, 1978. Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place, Houston, TX 77027. Representative: J. C. Browder, 4550 One Post Oak Place, Houston, TX 77027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid*, in bulk, in tank vehicle, from Baton Rouge, LA to the states of IL, ID, NM, MN, MT, and WY, for 180 days. Supporting shipper: Allied Chemical Co., P.O. Box 1057R, Morristown, NJ 07960. Send protests to: District Supervisor, John F. Mensing, 8610 Federal Building, 515 Rusk Ave., Houston, TX 77002.

MC 21259 (Sub-3TA), filed October 16, 1978. Applicant: GERTSEN CARTAGE, CO., INC. 3000 Hirsch Street, Melrose Park, IL 60160. Representative: Anthony C. Vance, Esq., Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper*, moving in containers, from Chicago, IL, to IN, restricted to the transportation of shipments moving from facilities utilized by ASARCO Incorporated in Chicago, IL, and its commercial zone, and destined to points in Indiana, for 180 days. Supporting shipper: S. O. Holdman, ASARCO, Incorporated, 611 Olive Street, Suite 1755, St. Louis, MO 63101. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 29910 (Sub-198TA), filed October 16, 1978. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11 Street, Fort Smith, AR 72901. Representative: Joseph K. Reber, P.O. Box 48, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*,, (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, articles of unusual value and commodities requiring special equipment) serving the facilities of Essex-Franke Co. at New Madrid, MO as an off-route point in connection with carrier's authorized service between St. Louis, MO and Memphis, TN for 180 days. (ABF's authority to serve between Memphis, TN and St. Louis, MO can be found on Page 18, Sub 69, Line 35 of its operating authority attached hereto.) Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Essex-Franke Co. Subsidiary of Essex Chemical, No. 1 Essex Avenue, New Madrid, MO 63869. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 40898 (Sub-22TA), filed October 3, 1978. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: A. W. Flynn, Jr., 314 S. Eugene Street, P.O. Box 180, Greensboro, NC 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from Greensboro and Clemmons, NC to Eden, NC (shipments have prior interstate movement by motor common carrier), for 180 days. Supporting shipper: Owens-Illinois, Inc. Glass Container Division, P.O. Box 1035, Toledo, OH 43666. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 94350 (Sub-414TA), filed October 3, 1978. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road, at Transit Drive, Greenville, SC 29602. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and buildings, in sections, mounted on wheeler undercarriages from origins of manufacture, from points in Weakley County, TN to points in AL, AR, GA, IL, IN, KY, MS, and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Conchemco Homes Group, Greenfield, TN. Send protests to: E. E. Strotheid, District Supervisor, ICC, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 106887 (Sub-9TA), filed October 16, 1978. Applicant: A. D. RAY TRUCKING, INC., 1948 Edgar Street, Rock Springs, WY 82901. Representa-

tive: Eric A. Distad, Attorney at Law, Suite 307, 120 W. 1st Street, Casper, WY 82602.Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products*, and (2) *machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines*, including the stringing and picking up thereof, between points in WY, CO, UT, ID, MT, ND, SD, and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 14 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Room 105, Federal Building and Court House, 111 South Wolcott, Casper, WY 82601.

MC 107002 (Sub-536TA), filed October 16, 1978. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Hwy 80 West, Jackson, MS 39205. Representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, in bulk, in tank vehicles, from Hamilton, MS, to points in KY and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, OK 73125. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

MC 107403 (Sub-1125TA), filed October 16, 1978. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Reserve, LA to Pensacola and Panama City, FL. *Dry sugar*, in bulk, in tank vehicles, from Reserve, LA to Dallas, San Antonio and Houston, TX, for 180 days. Supporting shipper: Godchaux Henderson Sugar Co., Reserve, LA 70084. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 107403 (Sub-1126TA), filed October 16, 1978. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank vehicles, from Lake Providence, LA to points in AR, MS, and points in that part of TX on and north of Interstate Hwy 20, and on and east of Interstate Hwy 35, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mississippi Chemical Corp., P.O. Box 388, Yazoo City, MS 39194. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 107403 (Sub-1127TA), filed October 16, 1978. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrups and blends of corn syrups*, in bulk, in tank vehicles, from Memphis, TN to Baton Rouge, New Orleans, Lafayette, and Lake Charles, LA and Wiggins, Jackson, and Clinton, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Sweetner and Syrup Co., P.O. Box 10221, New Orleans, LA 70181. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 107496 (Sub-1167TA), filed October 3, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Prescott, WI to points in MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied Chemical Corp., P.O. Box 2120, Houston, TX 77001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 107496 (Sub-1168TA), filed October 3, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propellants*, in bulk, from E. Chicago, IN to Atlanta, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Phillips Petroleum Co., 222 East Ogden Avenue, Hinsdale, IL 60521. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 107515 (Sub-1183TA), filed October 13, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Representative: Alan E. Serby and Richard M. Tettelbaum, Serby and Mitchell, P.C., 3390 Peachtree Road, NE, Fifth Floor, Lenox Towers S, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic film and sheeting* and (2) *Materials, equipment and supplies*, used in the manufacture, sale and distribution of plastic film and sheeting (except commodities in bulk), between facilities of Borden Chemical Division of Borden, Inc., at or near Griffin, GA, on the one hand, and, on the other, points in the United States (except GA), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Borden Chemical, Division of Borden, Inc., 1 Clark Street, North Andover, MA 01845. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Opertions, Interstate Commerce Commission, 1252 West Peachtree Street NW, Room 300, Atlanta, GA.

MC 108297 (Sub-28TA), filed October 3, 1978. Applicant: FOX TRANSPORT SYSTEM, 21 South 5th Street, Philadelphia, PA 19106. Representative: James Fox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable scrap, lead covered copper, and reels, electric cable*, on vehicles with specialized equipment, between points in and east of Adams, Cumberland, Perry and Northumberland Counties, PA on the one hand, and, on the other, New York, N.Y. and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Telephone & Telegraph Co., 16 North Salem, Dover, NJ 07801. Send protest to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 109124 (Sub-52TA), filed October 3, 1978. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850

Toledo, OH 43619. Representative: James M. Burtch, Attorney at Law, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the installation of Wallboard, from the facilities of Rapid Supply, a division of Grand Rapids Gypsum, Inc., at Cleveland, OH, to points in IL, IN and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rapid Supply, a Division of Grand Rapids Gypsum, Inc., 201 Monroe Avenue, N.E. Grand Rapids, MI 49502. Send protests to: Interstate Commerce Commission, Bureau of Operations 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 110525 (Sub-1268TA), filed October 16, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and animal fats and products thereof*, in bulk, in tank vehicles from Pawtucket, RI to ports of entry on the International boundary line between the United States and Canada at or near Houlton and Calais, ME. Restricted to traffic having destination in PE, Canada from ports of entry on the International boundary line between the United States and Canada on the Niagara River. Restricted to traffic having destination in ON. *Vegetable oils and animal fats*, in bulk, in tank vehicles from Detroit, MI to Pawtucke, RI, for 180 days. Supporting shipper: Colfax, Inc., 38 Colfax Street, Pawtucket, RI 02860. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 110659 (Sub-27TA), filed October 3, 1978. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia Street, West, Charleston, WV 25302. Representative: John M. Friedman, 2930 Putman Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers*, from Latrobe, PA to Charleston and Huntington, WV for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Central Distributing Co., 905 Seventh Avenue, P.O. Box 6809, Charleston, WV 25302. Send protests to: Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 111812 (Sub-590TA), filed October 3, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: David Peterson, P.O. Box 1233, Sioux Falls, SD 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A, B 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 the facilities of John Morrell & Co. at Sioux Falls, SD to Albuquerque, NM and points in AZ, for 180 days. Supporting shipper: John Morrell & Co., P.O. Box 1266, Sioux Falls, SD 57101. Send protests to: Mr. James L. Hammond, District Supervisor, Bureau of Operations & Compliance, Interstate Commerce Commission, 455 Federal Building, Pierre, SD 57501.

MC 114457 (Sub-441TA), filed October 13, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. 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 the facilities of Heinz U.S.A. Division of H. J. Heinz Co. at or near Pittsburgh, PA to points in MN, MO, ND, SD, WI and IA (except Iowa City and Muscatine), for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 114457 (Sub-442TA), filed October 13, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (ECIB) from the facilities of International Paper Co. at or near Pittsburg, KS to points in the U.S. (Except AK and HI), and (2) *Equipment, materials and supplies* used in the manufacture, sale and distribution of paper and paper products (ECIB) from points in the U.S. (except AK and HI) to the facilities of International Paper Co. at or near Pittsburg, KS, for 180 days. Supporting shipper: International Paper Co., 220 East 42nd Street, New York, NY 10017. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 South 4th Street, U.S. Court House, Minneapolis, MN 55401.

MC 114569 (Sub-252TA), filed October 13, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) in controlled temperature vehicles from the plantsite and storage facilities owned and/or utilized by J. H. Filbert, Inc. located in Fulton, Clayton, De Kalb, Cobb, and Douglas Counties, GA, to points in DC, KY, MD, NC, OH, SC, TN, VA and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. H. Filbert, Inc., 3701 Southwestern Boulevard, Baltimore, MD 21229. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 114890 (Sub-83TA), filed October 3, 1978. Applicant: COMMERCIAL CARTAGE CO., 343 Axminster Drive, Fenton, MO 63026. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from the facilities of Brunswick River Terminal, Inc., Brunswick, MO, to points in AR, IL, IN, IA, KS, KY, MO, NE, OK and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brunswick, MO 65236, Agricultural Chemical Group, W. R. Grace Chemical Co., P.O. Box 277, Memphis, TN 38101. Send protests to: District Supervisor, P. E. Binder, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

MC 115200 (Sub-1TA) filed October 3, 1978. Applicant: WILLIAM S. SCULLION d.b.a. SCULLION TRUCKING CO., an individual, Shenango Road, Route 16, Beaver Falls, PA 15010. Representative: William J. Lavelle, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Pittsburgh, PA to the facilities of Washington Mold Co. in Washington, PA, for 180 days, under a continuing contract or contracts with Manley Bros. of Chesterton, IN. Restriction: The service authorized above is restricted to the transportation of shipments having a prior interstate

movement by rail. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Manley Bros., P.O. Box 538, Chesterton, IN 46304. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 1000 Liberty Avenue, 2111 Federal Building, Pittsburgh, PA 15222.

MC 115213 (Sub-3TA), filed October 3, 1978. Applicant: ELLIOTT & FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71601. Representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, AR 71601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and materials and supplies* used in installation and distribution thereof, from Cuba, MO to all points in AL, AR, GA, IL, IA, KY, LA, KS, MS, NE, OK, TN and TX, for 180 days. Supporting shipper: Georgia-Pacific Corp., 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 115213 (Sub-4TA), filed October 3, 1978. Applicant: ELLIOTT & FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71611. Representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, AR 71611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials* other than in bulk, and roofing granules in bags, (1) from Kansas City, MO to OK and TX, (2) from Dallas, TX to AR, LA, MS, MO, KS and OK, (3) from Annapolis, MO, to AR, LA, and MS, for 180 days. Supporting shipper: GAF Corp., 1361 Alps Road, Wayne, NJ 07470. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 115215 (Sub-34TA), filed October 13, 1978. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Perry, FL 32347. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber handling machinery, dry kiln outfits and materials and supplies* used in the installation of the above from Jacksonville, FL to points in AL, LA and MS, for 180 days. Supporting shipper: Irvington Moore, Division of National Resources, Inc., 1220 W. State Street, Jacksonville, FL 32203. Send protests to: District Supervisor, G. H. Fauss, Jr., ICC, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, FL 32202.

MC 115495 (Sub-38TA), filed October 13, 1978. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, IL 60174. Representative: Everett Hutchinson, Esq., Fulbright & Jaworski, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. Irving R. Segal, Esq., Schnader, Harrison, Segal & Lewis, 1719 Packard Building, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except the usual exceptions), between points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NB, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI and WY and points in PA, WV and VA, within 10 miles of the PA-OH, the WV-OH, the WV-KY, the VA-KY, the VA-TN and the VA-NC State lines, for 180 days. (Application to permit Applicant to continue tacking between Applicant's MC 115495, Subs 4, 14, 16, 20, and 22 certificates.) Applicant presently holds emergency temporary authority identical to the authority herein requested. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 120 statements of support attached to the application which may be examined at the filed office named below. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 115931 (Sub-70TA), filed October 16, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: William Grimshaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* from the plant site of CertainTeed Corp. at or near Shakopee, MN to points in WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CertainTeed Corp., P.O. Box 860, Valley Forge, PA 19482. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 116763 (Sub-447TA), filed October 16, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, in vehicles equippped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) Between Russellville and Searcy, AR, on the one hand, and, on the other hand, Crozet, VA; (2) from Crozet, VA, to points in ME, NH, VT, CT, MA, RI, NY and OH, for 180 days. Restricted to the transportation of shipments originating at the named origins and/or destined to the named destinations. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton Frozen Foods Division, ITT Continental Baking Co., Inc., Robert J. Prendergast, Director Distribution, One Morton Drive, Charlottesville, VA 22906. Send Protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 117344 (Sub-279TA), filed October 3, 1978. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, OH 45215. Representative: John C. Spencer (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers*, in bulk, in tank vehicles, from Jasper, IN, to Archbold, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Foy-Johnston, Inc., Quinton Ball, Traffic Manager, 1776 Mentor Street, Cincinnati, OH 45212. Send Protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main St., Cincinnati, OH 45202.

MC 119988 (Sub-161TA), filed October 13, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enamelware and earthenware plumbing fixtures and fittings*, from the facilities of Kohler Co. at or near Brownwood, TX to points in AR, CA, and NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kohler Co., Domestic Traffic Manager, Kohler, WI 53044. Send Protests to: District Supervisor, John F. Mensing, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 123233 (Sub-85TA), filed October 16, 1978. Applicant: PROVOST CARTAGE, INC., 7887 Grenache Street, Ville d'Anjou, PQ, Canada H1J 1C4. Representative: Gilbert G. Beriault, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in

bulk, in tank vehicles from the ports of entry between the United States and Canada located at Champlain and Rooseveltown, NY to Rotterdam Junction, NY; from the port of entry between the United States and Canada located at Alexandria Bay, NY to Rochester, NY; and from the port of entry between the United States and Canada located at Rooseveltown, NY to Renssalaer, NY, for 90 days. Restricted to traffic moving in foreign commerce. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dupont of Canada Limited, 555 Dorchester Street West, Montreal, PQ, Canada. Send Protests to: District Supervisor, David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

MC 123407 (Sub-505TA), filed October 16, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN, 46383. Representative: H. E. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Batteries* from San Antonio, TX, to Anaheim, CA; Fitzgerald, GA; Muncie, IN; and New Brunswick, NJ; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Industries Nelson Road at Reliable Drive, P.O. Box 27500, San Antonio, TX 78228. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1386, 219 S. Dearborn Street, Chicago, IL 60604.

MC 123987 (Sub-9TA), filed October 16, 1978. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangum, OK 73554. Representative: Jewett Scott, Jr., Box 267, Mangum, OK 73554. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe and related articles*, from the plantsite of Armco, Inc., Mangum, OK to CO, NM, TX and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armco, Inc., 1001 North Byers, Mangum, OK 73554. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 97101.

MC 129032 (Sub-57TA), filed October 3, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington, 6015 South 49th West Avenue, Tulsa, OK 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and feed business houses, between the facilities of Ralston-Purina at or near Clinton and Daventon, IA, on the one hand, and on the other, to points in the states of IN, MI and OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129119 (Sub-2TA), filed October 13, 1978. Applicant: JOHN H. SANN, d.b.a. SANN'S TRUCKING SERVICE, 1572 Annapolis Road, Drawer 280, Odenton, MD 2113. Representative: Chester A. Zybult, Esq., 1030 15th Street., N.W. Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground, mixed and blended spices, and mustard and mustard products*, from the facilities of the Baltimore Spice Co., Baltimore, MD, to points in the United States (except MD, AK, HI); and (2) *Materials, equipment and supplies used in the manufacture or distribution of ground, mixed and blended spices, and mustard and mustard products*, from points in the United States (except MD, AK, HI); to the facilities of the Baltimore Spice Co., Baltimore, MD. Transportation to be performed under a containuing contract or contracts with The Baltimore Spice Co., for 180 days. Supporting shipper: Edwin L. Statter, Vice President-Sales, The Baltimore Spice Co., P.O. Box 5858, Baltimore, MD 21208. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building Baltimore, MD 21201.

MC 133484 (Sub-2TA), filed September 18, 1978. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, TX, 76201. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, feed ingredients and feed supplements* from the facilities of H. J. Baker and Bro., Inc., at Keota, Haskell County, OK to all points in TX, LA, AR, AL, MS, and MO. (2) *Meat and bone meal and blood meal* in bulk, from San Angelo, Dallas, Palestine, and Houston, TX to the facilities of H. J. Baker and Bro., Inc. at Keota, Haskell County, OK. (3) *Fish meal, in bulk*, from Empire, Abbeville, Cameron, Dulac, Holmwood, Morgan City, LA; Port Arthur, TX; Moss Points, Pascagoula Gulf Port, MS; to the facilities of H. J. Baker and Bro., Inc., at Keota, Haskell County, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H. J. Baker and Bros., Inc., 360 Lexington Avenue, New York, NY 10017. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Building, 819 Taylor Street, Ft. Worth, TX 76102.

MC 133932 (Sub-1TA), filed October 16, 1978. Applicant: CATAWBA VALLEY MOTOR LINE, INC., Highway 64-70 West, Claremont, NC 28610. Representative: Coyte Setzer, 64-70 West, Claremont, NC 28610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated upholstered furniture* from all points in Catawba, Alexander, Burke, Caldwell, and Iredell Counties, NC to all points in SC, GA, FL, MS, and AL with a restriction on shipments moving to Key West, FL to 2,000 pounds or more, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (27) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 135797 (Sub-148TA), filed October 3, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk) (1) from Reno, NV to Modesto, CA; Lawrence, KS; Kansas City, MO; and Waseca, MN; and (2) from Lawrence, KS, to Waseca, MN; and (3) from Lenexa, KS to South Edmeston, NY. Restricted in (1) and (2) above to traffic originating at the facilities of Packer Plastics, Inc., for 180 days. Supporting shipper: Packer Plastics, Inc., 2330 Packer Road, Lawrence, KS 66044. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 138469 (Sub-86TA), filed October 16, 1978. Applicant: DONCO CARRIERS, INC., 2025 South Nicholas, Oklahoma City, OK 73107. Representative: E. Larry Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, vanities, and related articles used in the installation thereof*, from the facilities of Triangle Pacific at or near McKinney, TX to points in CA, NM, AZ, OK, AR, and LA, for 180 days. Supporting shipper: Triangle Pacific Corp., 4255 LBJ Freeway, Dallas, TX 75234. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest, 3d Oklahoma City, OK 73102.

MC 138890 (Sub-13TA), filed October 3, 1978. Applicant: MOODIE, INC., 301 Acorn Street, Stevens Point, WI 54481. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk) from the facilities of Termicold Corp. and Great American Basic Commodities, Inc., at or near Plover, WI to points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Great American Basic Commodities, Inc., 1001 Hoover Road, Plover, WI 54467. Termicold Corp., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: Interstate Commerce Commission, District Supervisor Ronald A. Morken, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 139340 (Sub-2TA), filed October 16, 1978. Applicant: CONRAD YELVINGTON DISTRIBUTORS, INC., 800 Big Tree Road, Daytona Beach, FL 32015. Representative: Paul M. Daniell, 235 Peachtree Street NE., 1200 Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *ccontract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except in bulk) from from Milledgeville, GA to points in FL, under a continuing contract or contracts with Griffin Pipe Products Co., for 180 days. Supporting shipper: Griffin Pipe Products Co., 2000 Spring Road, Oak Brook, IL 60521. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 139353 (Sub-3TA), filed October 3, 1978. Applicant: DAVIE TRUCKERS, INC., Rt. 1, Advance, NC 27102. Representative: W. P. Sandridge, Jr., P.O. Drawer 84, Winston-Salem, NC 27102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers grains wet spent grain and waste yeast, and manufactured feed using brewers grains of wet spent grain or waste yeast* from Forsyth County, NC to points in the States of GA, VA, SC, TN, WV, KY, and NC. Points of destination in these States will be farms and feed lots in various locations, under a continuing contract or contracts with Murphy Products Co., Inc., for 180 days. Supporting shipper: Murphy Products Co., Inc., 124 South Dodge, Burlington, WI 53105. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 139353 (Sub-4TA), filed October 3, 1978. Applicant: DAVIE TRUCKERS, INC., Rt. 1, Advance, NC 27006. Representative: W. P. Sandridge, Jr., P.O. Drawer 84, Winston-Salem, NC 27102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers wet grains, pressed grains, dry grains, and waste yeast* from Rockingham County, NC to various locations in the States of VA, SC, TN, WV, KY, GA, and NC. Points of destination in these States will be farms and feed lots in locations in these States, under a continuing contract or contracts with Pillsbury Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pillsbury Co., Mail Station 9095, 608 2d Avenue, South, Minneapolis, MN 55402. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 140104 (Sub-4TA), filed October 16, 1978. Applicant: TOLEDO FRIGID LINES, INC., 4060 Fitch Road, Toledo, OH 43613. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream, ice cream confections, ice confections, ice water confections, and frozen desserts*, from Toledo, OH, to points in AZ, ID, MT, NV, NM, ND, OR, SD, UT, and WA; and (2) *materials, ingredients, equipment and supplies* (except commodities in bulk) used in the manufacture of the aforementioned commodities from the destination States named in (1) above, to Toledo, OH, under a continuing contract or contracts with Vroman Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vroman Foods, Inc., 4117 Fitch Road, Toledo, OH 43613. Send protests to: Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 141599 (Sub-8TA), filed October 16, 1978. Applicant: MOUNTAIN PACIFIC TRANSPORT (Edmonton), LTD., d.b.a. SHADOW LINES, 241 Schoolhouse Road, Coquitlam, BC, Canada V3K 4X9. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud* (betonite or clay) from Lovell, WY to the U.S./Canada International Boundary line at or near Sweetgrass, MT restricted to traffic moving to the Province of AB, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Mud Supply, Ltd., 2410 505—Fourth Avenue SW., Calgary, AB, Canada T2P 0J8. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 141770 (Sub-4TA), filed October 16, 1978. Applicant: TPC TRANSPORTATION CO., 41 Cleveland Road East, Huron, OH 44839. Representative: Russell J. Bragg, 608 Second Avenue, S., Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers wet grains*, from St. Louis, MO to all points in the State of IL, under a continuing contract or contracts with the Pillsbury Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Pillsbury Co., 608 2d Avenue, S., Minneapolis, MN 55402. Send protests to: Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 141776 (Sub-33TA), filed October 3, 1978. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, PA 17967. Representative: Pauline E. Myers, Suite 407, Walker Building, 734 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *canned and preserved foodstuffs* (except in bulk, in tank vehicles), from points in Franklin and Adams Counties, PA, to points in the States of AR, LA, MS, OK, TN, and TX; and returned, refused, and rejected merchandise from the above-named destination points to the named origin points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Knouse Foods, Inc., Peach Glen, PA 17306. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 141804 (Sub-148TA), filed October 13, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe fittings, connectors and valves*, from Sun Valley, Bakersfield, and Santa Ana, CA to points in and east of MN, IA, MO, AR, and LA and (2) from Cleveland, OH to Sun Valley, Bakersfied, and Santa Ana, CA; Atlanta, GA; Houston and Dallas, TX; and Kansas City, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R & G Sloane Manufacturing Co., Inc., 7606 North Clybourn Avenue, Sun Valley, CA 91352. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142310 (Sub-6TA), filed October 3, 1978. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk) from the facilities of Termicold Corp. and Great American Basic Commodities, Inc., at or near Plover, WI to points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Great American Basic Commodities, Inc., 1001 Hoover Road, Plover, WI 54467. Termicold Corp., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: Interstate Commerce Commission, District Supervisor Ronald A. Morken, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 142508 (Sub-37TA), filed October 3, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and supplies* (except commodities in bulk), *and storage cabinets*, from Bridgeport, CT, Carlstadt, NJ, New York, Long Island City, and Deer Park, NY, Landisville, Philadelphia, and Williamsport, PA, and Providence, RI, to the facilities of Standard Motor Products, Inc. at Edwardsville, KS and Reno, NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oded Stitt, Manager-Bronx District Center, Standard Motor Products, Inc., 37-18 Northern Boulevard, Long Island City, NY 11101. Send protests to: Interstate Commerce Commission, Carroll Russell, District Supervisor, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 142954 (Sub-7TA), filed October 3, 1978. Applicant: GLENN BROS, TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phil Glenn, P.O. Box 9343, Little Rock, AR 72219. Theodore Polydoroff, 1307 Dolley Madison Boulevard, Suite 301, McLean, VA 22101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulated wire and cable*, from Attleboro, MA and Pawtuckett, RI to Sparks and Mercury, NV. Restriction: The operations above are limited to a transportation service to be performed under a continuing contract or contracts with American Insulated Wire Co. (subsidiary of Leviton Manufacturing Co.), for 180 days. Applicant intends to tack the authority here applied for to its MC 142954 (Sub-2). Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Insulated Wire Co., 36 Freeman Street, Pawtuckett, RI 02862. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 143059 (Sub-28TA), filed October 3, 1978. Applicant: MERCER TRANSPORTATION CO., 40211 12th and Main Street, P.O. Box 35610, Louisville, KY 40232. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used railroad ties*, from points in MO to points in CA and NV for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jerry Higgins, Secretary-Treasurer, Quality Enterprises, Inc., 4101 West Capitol Ave., Sacramento, CA 95691. Send protests to: Mrs. Linda H. Sypher, District supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 143059 (Sub-29TA), filed October 3, 1978. Applicant: MERCER TRANSPORTATION CO., 40211 12th and Main Streets, P.O. Box 35610, Louisville, KY 40232. Representative: Clayte Binion, P.O. Box 35610, Louisville, KY 40232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric light poles and electric wire poles*, and (2) *parts, accessories and supplies* used in the installation and operation of commodities named in item (1), from Houston, TX, to all points in the United States (except in AK and HI). Restriction: restricted to traffic originating at the plantsite of K W Industries at Houston, TX, for 180 days. Supporting shipper: E. A. Kostelnik, President, KW Industries, Inc., P.O. Box 42009, Houston, TX 77042. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 143127 (Sub-13TA), filed October 3, 1978. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: John M. Nader, Attorney at Law, 1600 Citizens Plaza, Louisville, KY 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* except frozen and in bulk, (1) from the facilities of the Joan of Arc Co. at or near Belledeau and St. Francisville, LA to Hoopeston and E. Peoria, IL; Mayville, WI; Fostoria, OH; Mechanicsburg, PA; Foxboro, MA and Turkey NC and (2) from the facilities of the Joan of Arc Co. at or near Mayville, WI to Hoopeston and E. Peoria, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Joan of Arc Co., Inc., 2231 West Altorfer Drive, Peoria, IL 61614. Send protest to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, room 1259, Syracuse, NY 13260.

MC 143503 (Sub-16TA), filed October 16, 1978. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, from the facilities of Town and Country Fine Furniture, Inc., Concordville, PA, to points in Garrett, Allegany, Washington, Frederick, Carroll, Baltimore, Harford and Cecil Counties, MD, New Castle, Kent and Sussex Counties, DE; and Warren, Morris, Essex, Hunterdon, Somerset, Burlington, Union, Monmouth, Middlesex, Mercer, Ocean, Camden, Gloucester, Salem, Cumberland, Cape May and Atlantic Counties, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper:

Town and Country Fine Furniture, Inc., P.O. Box 1000, Routes 1 and 322, Concordville, PA 19331. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143812 (Sub-5TA), filed October 16, 1978. Applicant: MARTIN E. VAN DIEST d.b.a. M. VAN DIEST CO., 8087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, liquid*, in bulk, from Fruitland, ID, to points in CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Food Brokers International, 5442 Jillson, Los Angeles, CA 90040. Send Protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144253 (Sub-1TA), filed October 13, 1978. Applicant: BOSWELL ENTERPRISES, INC., 1803 South Lamar Boulevard, Austin, TX 78704. Representative: John T. Muegge, 4202 Spicewood Springs Road, Austin, TX 78759. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic netting tree guards*, from Nalle Plastics, Inc., manufacturing and warehouse facilities in Austin, TX, to points in the States of OR, WA, and ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nalle Plastics, Inc., 203 Colorado Street, Austin, TX 78701. Send Protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400, Federal Building, 727 East Durango Street San Antonio, TX 78206.

MC 144622 (Sub-24TA), filed October 13, 1978. Applicant: GLENN BROS. TRUCKING INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, 1307 Dolley Madison Boulevard, Suite 301, McLean VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries* equipped with mechanical refrigeration (except in bulk), from the warehouses and plantsites of E. J. Brach & Sons in the Chicago Commerical Zone to points in NY, NJ, OH, PA, VA, AR, and MD. Restricted to traffic originating at the above named origin, for 180 days. Supporting shipper: E. J. Brach & Sons, 4656 West Kinzie, Chicago, IL 60644. Send Protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145125 (Sub-4TA), filed October 13, 1978. Applicant: LAUREL MOUNTAIN OVERLAND EXPRESS, INC., P.O. Box 327, Milroy, PA 17063. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass, bronze, copper and nickel products, brass and copper alloys, and copper, billets*, from Reading and Ontelaunee, PA, to points in AZ, NM, OR, and WA; and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities described in (1) above, from points, in AZ, NM, OR, and WA to Reading and Ontelaunee, PA, for 180 days. Applicant has also filed an underlying emergency temporary authority application seeking up to 90 days of operating authority. Supporting shipper: Reading Industries, Inc., P.O. Box 1126, Reading, PA 19603. Send Protests to: Charles F. Meyers, District Supervisor, P.O. Box 869, 228 Walnut Street, Harrisburg, PA 17109.

MC 145152 (Sub-6TA), filed October 3, 1978. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products in packages*, from the facilities of Texaco, Inc., at or near Jefferson County, TX, to points in IL, IN, NJ, NY, OH, PA, and WI, for 180 days. Supporting shipper: Texaco, Inc., 1111 Rusk, Houston, TX 77052. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145251 (Sub-2TA), filed October 4, 1978. Applicant: RANCHERS TRANSPORTATION SERVICE, INC., 3102 Brighton Boulevard, Denver, CO 80216. Representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses and fabricators* (except hides and commodities in bulk): (1) From Edgemont, SD, to all points in the United States (except AK and HI), and (2) from Denver, CO, to all points in the United States (except AK and HI), restricted to the traffic of Ranchers Meats, Inc. of Douglas, WY, originating at the storage facilities of Beatrice Cold Storage Warehouse and City Ice Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 30 days of operating authority and an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ranchers Meats, Inc., P.O. Box 547, Douglas, WY 82633. Send protests to: Roger Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 145396 (Sub-1TA), filed October 13, 1978. Applicant: BOYCE HOWARD d.b.a. BOYCE HOWARD TRUCKING, P.O. Box 165, Newport, AR 72112. Representative: Thomas J. Presson, Lot 27, River Bend Estates, Redfield, AR 72132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trailers, from all points and places in Johnson County, AR, Sebastian County, AR, Pope County, AR, Franklin County, AR, to all points and places in the States of MO, KS, OK, LA, TN, IL, and MS. Also from above Arkansas counties to all barge loading facilities in the State of AR. Also from all points and places in IL, MO, TN, and OK to all points and places in AR, for 180 days. Supporting shipper: Titan Mining Inc., P.O. Drawer 3197, Union Station Square, Little Rock, AR 72201. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145415 (Sub-1TA), filed October 16, 1978. Applicant: SEA-BAY TRANSPORTATION, INC., 9 South Massachusetts Street, Seattle, WA 98134. Representative: Steve Banchero, 9 South Massachusetts Street, Seattle, WA 98134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except explosives, between points in the Seattle, WA, commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacific Western Lines, 600 South Garden Street, Seattle, WA 98108. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Avenue, Seattle, WA 98174.

MC 145469TA, filed October 3, 1978. Applicant: CUSTOM TRUCK BROKERS, INC., 4117 Donnybrook Place, Charlotte, NC 28205. Representative: Dwight C. Holland, 4117 Donnybrook Place, Charlotte, NC 28205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipes and fittings*, from Eslon Thermoplastics,

Inc., plant in Pineville, NC to points, in AL, CO, CT, DE, DC, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI, under a continuing contract or contracts with Eslon Thermoplastics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eslon Thermoplastics, Inc., 1 Rodney Ave., Pineville, NC 28134. Send protests to: Terrell Price, District Supervisor, 800 Brair Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 145473TA, filed October 3, 1978. Applicant: GEORGE B. LAWRENCE ta. GEORGE LAWRENCE TRUCKING, P.O. Box 113, Gatesville, NC 27938. Representative: John N. Fountain, Attorney at Law, 336 Fayetteville Street Mall, P.O. Box 2246, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Camden, Chowan, Currituck, Gates, Pasquotank, and Perquimans Counties, NC, to points in DC, DE, MD and VA, for 180 days. Supporting shipper: Cands Lumber Division, P.O. Box 40, Elizabeth City, NC 27909. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 145528 (Sub-1TA), filed October 13, 1978. Applicant: TOMKO TRUCKING, INC., 1850 Enterprise Drive, DePere, WI 54115. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials and malt beverage dispensing equipment* from Detroit, MI to Green Bay, WI (2) *rejected shipments and empty malt beverage containers* from Green Bay, WI to Detroit, MI. Restriction: Restricted to transportation services to be performed under a continuing contract or contracts with Kay Distributing, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kay Distributing, Inc., 601 Harvey St., Green Bay, WI 54302. Send protests to: Mr. John Ryden, District Supervisor, Interstate Commerce Commission, 517 East Wisconsin Street, Room 619, Milwaukee, WI 53202.

PASSENGER CARRIERS

MC 109148 (Sub-26TA), filed October 13, 1978. Applicant: LAS VEGAS-TONOPH-RENO STAGE LINE, INC., 101 North Mojave Road, Las Vegas, NV 89104. Representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express, mail and newspapers* in the same vehicle with passengers, between Fallon, NV and Reno, NV; from Fallon, NV over Alternate U.S. Hwy 95 to junction Interstate Hwy 80; then over Interstate Hwy 80 to Reno, NV, and return over the same route. Service authorized to and from all intermediate points. Applicant wishes to tack to its existing authority at Reno and Fallon, NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: City of Fallon, Fallon, NV 89406, Churchill County Chamber of Commerce, 30 W. Williams, Fallon, NV 89406, Fallon Eagle Standard, P.O. Box 1210, Fallon, NV 89406, American Buslines, Inc., 500 W. 2nd Street, Reno, NV 89503, Greyhound Lines, Inc., 155 Stevenson Street, Reno, NV 89503. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, 203 Federal Building, 705 N. Plaza Street, Carson City, NV 89701.

MC 145482TA, filed October 3, 1978. Applicant: INNER CIRCLE QUONEXIONS, INC., 245 Park Avenue, Belford, NJ 07718. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road and Cottman Street, Jenkintown, PA 19046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, and unaccompanied baggage in motor homes, in special and charter operations, between New York, NY, Boston, MA, Los Angeles, CA, Nashville, TN, Dallas, TX, Washington, DC, New Orleans, LA, Atlanta GA, Miami, FL, Chicago, IL, San Francisco, CA, Las Vegas, NV, and Atlantic City, NJ, on the one hand, and, on the other, points in the United States, except AK and HI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-32793 Filed 11-21-78; 8:45 am]

[7035-01-M]

[Notice No. 217]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 9, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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 the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 1263 (Sub-31TA), filed October 6, 1978. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris Avenue, Trenton, MO 64683. Representative: James M. McCarty, President, 17th and Harris Avenue, Trenton, MO 64683. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furnaces, stoves, pipe, brushes, motors, dampers, parts* and *accessories*, from Gallatin, MO and Longwood Furnace, Co. plantsite to OH, IN, WI, IA, MI, IL, PA, and MN and (2) *Dampers, castings, stove pipe,*

chimneys, air filters, controls, supplies and accessories and *equipment* utilized in the manufacturing of furnaces and stoves, from OH, IL, IN, and WI to Gallatin, MO and Longwood Furnace Co plantsite and (3) *Pallets, lumber, nails and metal clamps,* from Trenton, MO and South Gifford, MO and Green Hill's Pallet plantsites to MN, WI, IL, and IN, for 180 days. Supporting shipper: Green Hill's Pallet Co., 2707 Oklahoma Avenue, Tenton, MO 64683, and Longwood Furnace Corp., Box 223, Route 1, Gallatin, MO 64640. Send Protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 25708 (Sub-30TA), filed October 6, 1978. Applicant: LANEY TANK LINES, INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman, P.O. Box 2729, Chapel Hill, NC 27514. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid petroleum products,* in bulk, in tank vehicles, between Lexington, SC, on the one hand, and, on the other hand, points in AL, FL, GA, KY, MS, NC, TN, and VA, for 180 days. Supporting shipper: Safety-Kleen Corp., 16325 West Ryerson Road, New Berlin, WI 53151. Send Protests to: Mr. Archie W. Andrews, DS, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 71902 (Sub-94TA), filed October 11, 1978. Applicant: UNITED TRANSPORTS, INC., P.O. Box 18547, 4900 North Santa Fe Avenue, Oklahoma City, OK 73154. Representative: Eric L. Spitler, 4900 North Santa Fe Avenue, Oklahoma City, Ok 73154. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New, imported agricultural tractors, with or without attachments;* in secondary truckaway service, each weighing less than 5,000 pounds, from Harris County, TX, to points in OK and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hinomoto Tractor Sales, U.S.A., Inc., P.O. Box 1341, Denison, TX 75020. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office & Court House Building, 215 Northwest 3d, Oklahoma City, OK 73102.

MC 79687 (Sub-21TA), filed October 13, 1978. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., David M. O'Boyle, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers,* from the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., at Lawrenceburg, IN to Columbus, OH, 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., P.O. Box 265, Elmira, NY 14902. Send protests to: John J. England, DS, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 103051 (Sub-456TA), filed October 13, 1978. Applicant: FLEET TRANSPORT CO., INC., P.O. Box 90408, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Brewers' condensed solubles,* in bulk, in tank vehicles, from Jacksonville, FL to Albany and DeSoto, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis, MO 63118. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 105813TA, filed October 13, 1978. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 2009, 1759 Southwest 12th Street, Ocala, FL 32670. Representative: Arthur J. Sibik, 7025 South Pulaski Road, Chicago, IL 60629. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Candy and confectionery* and *advertising materials and premiums merchandise* when moving in mixed shipments therewith, (1) from the facilities of or those utilized by E. J. Brach & Sons at Chicago and points in its Commercial Zone, to Morrow, GA and (2) from Morrow, GA to points in the State of FL, for 180 days. Supporting shipper: E. J. Brach & Sons, Division of American Home Products, 4656 West Kinzie, Chicago, IL. Send protests to: D/S G. H. Fauss, Jr., ICC, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 110563 (Sub-246TA), filed October 6, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Sigrun Ambos, Traffic Manager (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA to points in CO, KS, MO, and NE, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Mr. Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 111302 (Sub-140TA), filed October 6, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 90408, 934 44th Avenue North, Knoxville, TN 37209. Representative: David A. Peterson, P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corn products* and *blends of corn products,* in bulk, in tank vehicles, from Auburndale and Clewiston, FL, to points in FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., P.O. Box 13368, Memphis, TN 38113. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 112016 (Sub-14TA), filed October 11, 1978. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount department stores and *equipment, materials and supplies,* used in the conduct of such business (except commodities in bulk and foodstuffs), between New York, NY, and Secaucus, NJ, on the one hand, and, on the other, points in MN, under a continuing contract or contracts, with Jubilee Shops, Inc., of Secaucus, NJ, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jubilee Shops, Inc., 80 Enterprise Avenue, Secaucus, NJ 07094. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 112713 (Sub-222TA), filed October 13, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records, 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting:

Bakery goods other than frozen, serving the facilities of Sunshine Biscuits, Inc., at Mount Pleasant, MI, as an off-route point in connection with carrier's otherwise authorized operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunshine Biscuits, Inc., 245 Park Avenue, New York, NY 10017. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 113908 (Sub-453TA), filed October 6, 1978. Applicant: ERICKSON TRANSPORT, INC., P.O. Box 3180, 2105 East Oak Street, Glenstone Station, Springfield, MO. Representative: B. B. Whitehead, P.O. Box 3180, 2105 East Oak Street, Glenstone Station, Springfield, MO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, from Paducah, KY and the commercial zone thereof, to points in MI, CT, IA, KS, IL, (except Chicago, IL), and MD, for 180 days. Supporting shipper: Heublein, Inc., Hartford, CT. Send protests to: DS John V. Barry, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 116474 (Sub-40TA), filed October 13, 1978. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles* and *piling*, under a contract with McCormick & Baxter Creosoting Co., from the facilities of McCormick & Baxter Creosoting Co., at Portland, OR to points in CA, NV, and WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McCormick & Baxter Creosoting Co., P.O. Box 3048, Portland, OR 97208. Send protests to: DS, A. E. Odoms, Bureau of Operations, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR 97204.

MC 119493 (Sub-236TA), filed October 13, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, MO 64801. Representative: Thomas D. Boone, P.O. Box 1196, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour* (except in bulk), from points in MN to Hutchinson, KS, for 180 days. Supporting shipper: The Kelly Milling Co., P.O. Box 1037, Hutchinson, KS 67601. Send protests to: John V. Barry, DS, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

MC 119689 (Sub-19TA), filed October 11, 1978. Applicant: PEERLESS TRANSPORT CORP., 2701 Railroad Street, Pittsburgh, PA 15222. Representative: William J. Lavelle, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castor oil*, (in bulk, in tank vehicles), from Baltimore, MD, and New York, NY, and points in their commercial zones, to Dover, OH, for 180 days. Supporting shipper: Union Camp Corp., 1600 Valley Road, Wayne, NJ 07470. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 119988 (Sub-163TA), filed October 13, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances* and *parts and accessories* for household appliances, from Little Rock, AR, to points in NM, TX, OK, LA, and MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Electric Co., 6901 Lindsey Road, Little Rock, AR 72206. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 123329 (Sub-42TA), filed October 13, 1978. Applicant: H. M. TRIMBLE & SONS, LTD., P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: D. S. VINCENT, P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles, from Paw Paw, MI, to the port of entry on the U.S.-Canada international boundary line located at or near Portal, ND, for furtherance in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Andres Wines (Alberta) Ltd., 7530 Blackfoot Trail SE, Calgary, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 123778 (Sub-43TA), filed October 11, 1978. Applicant: JALT CORP., d.b.a. UNITED NEWSPAPER DELIVERY SERVICE, 802 Raitan Center, Edison, NJ 08817. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazine parts, sections, and inserts*, from East Greenville, PA, to Old Saybrook, CT, Edison, NJ, and Glenn Dale, MD, under a continuing contract or contracts, with Time, Inc., Time & Life Building, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Time, Inc., Time & Life Building, Rockefeller Center, Room 3170, New York, NY 10020. Send protests to: Robert E. Johnson, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 124306 (Sub-48TA), filed October 6, 1978. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman, P.O. Box 2729, Chapel Hill, NC 27514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry terephthalic acid*, in bulk, in tote bins or hopper-type vehicles, from points in Berkeley County, SC, to points in the United States in and east of TX, OK, KS, NE, SD, and ND, For 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amoco Chemicals Corp., 200 East Randolph Drive, Chicago, IL 60601. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 124511 (Sub-53TA), filed October 6, 1978. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, Highway 54 East, Mexico, MO 65265. 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: *Refractory products and commodities* incidental to the installation thereof, and *materials and supplies* used in their manufacture and production (except commodities in bulk, in tank vehicles), (1) between the facilities of A. P. Green Refractories Co., in Audrain and Callaway Counties, MO, on the one hand, and, on the other, points in DE, KY, MD, MI, MN, NJ, NY, ND, OH, PA, SD, TN, VA, WV, and WI; and, (2) from the facilities of C-E Industrial Products, Division of Combustion Engineering, Inc., in Audrain County, MO, to points in OH, MI, PA, NJ, NY, DE, MD, WI, KY, TN, VA, CT, MA, and RI, for 180

days. Supporting shipper: C-E Industrial Products, Division of Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482; A. P. Geen Refractories Co., Mexico, MO 65265. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 126111 (Sub-7TA), filed October 13, 1978. Applicant: SCHAETZEL TRUCKING CO., INC., 520 Sullivan Drive, Fond du Lac, WI 54935. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweetened condensed milk*, from Fond du Lac, WI, to points in the Chicago, IL, commercial zone, Centralia and Pana, IL, and Fort Wayne IN, under a continuing contract, or contracts, with Galloway-West Co., a division of Borden Co., Inc., for 180 days. Supporting shipper: Galloway-West Co., a division of Borden Co., Inc., P.O. Box 987, Fond du Lac, WI 54935 (John Look, Vice President). Send protests to: Gail A. Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Milwaukee, WI 53202.

MC 129149 (Sub-13TA), filed October 6, 1978. Applicant: JOHN W. HIEL, R.R. No. 2, Prairie City, IL 61470. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *conract carrier*, by motor vehicle, over irregular routes, transporting: *Refuse containers, wagon boxes, livestock equipment*, and *confinement equipment and tanks*, from Bushnell, IL, to points in the United States east of ID, UT, and AZ, for the account of Bushnell Illinois Tank Co., under a continuing contract, or contracts, with Bushnell Illinois Tank Co., for 180 days. Supporting shipper: David A. Sprague, Bushnell Illinois Tank Co., 145 South Washington, Bushnell, IL 61422. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 129401 (Sub-11TA), filed October 6, 1978. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airplane seats and airplane seat parts* from Winston-Salem, NC, to Denver, CO, Miami and Crestview, FL, Atlanta, GA, Kansas City, KS, New York, NY, Tulsa, OK, Charleston, SC, Dallas, Ft. Worth, and Houston, TX, Norfolk, VA, and points in Allegheny County, PA, St. Louis County, MO, Hennepin County, MN, St. Paul, MN, and Washtenaw County, MI, under a continuing contract, or contracts, with Fairchild-Burns Co., Division of Fairchild Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fairchild-Burns Co., Division of Fairchild Industries, 1455 Fairchild Drive, Winston-Salem, NC 27105. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 135070 (Sub-12TA), filed October 6, 1978. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Meats*, from the facilities of Illini Beef Packers, at or near Joslin, IL, to points in NY, NJ, PA, and MA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Illini Beef Packers, Inc., P.O. Box 245, Joslin, IL. Send protests to: Haskell E. Ballard, DS, Interstate Commerce Commission—Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

MC 135082 (Sub-75TA), filed October 6, 1978. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, NM 87125. Representative: Randall R. Sain, Box 26748, 415 Rankin Road NE., Albuquerque, NM 87125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum Wallboard, and commodities* used in the installation thereof, from Albuquerque, NM to CA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard M. Mais, Traffic Manager, American Gypsum Co., P.O. Box 6345, Albuquerque, NM 87197. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 135399 (Sub-9TA), filed October 6, 1978. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX 75602. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: (1) *Batteries* and (2) *Materials and supplies* used in the distribution and sale of batteries, from Kankakee, IL, to Los Angeles and San Francisco, CA, Sparks, NV, and Dallas, TX, and points in their respective commercial zones, for 180 days. Supporting shipper: Gould, Inc., 2050 Cabot Boulevard West, Langhorne, PA 19047. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 138157 (Sub-94TA), filed October 6, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplaces and materials, equipment and supplies* used in the installation of fireplaces, from the plantsite and facilities of Marco Manufacturing, Inc., in Lynwood, CA, to points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper: Marco Manufactuirng, Inc., 2520 Industry Way, Lynwood, CA 90262. Send protests to: Glenda Kuss, Bureau of Operations, Interstate Commerce Commission, A-422 Federal Building, 801 Broadway, Nashville, TN 37203.

NOTE—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved.

MC 138762 (Sub-27TA), filed October 13, 1978. Applicant: MUNICIPAL TANK LINES, LTD., P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: Richard H. Streeter, 1729 H Street NW., Washington, D.C 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located at or near Buffalo, NY to points in NY, restricted to traffic in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Minerals and Chemical Corp. (Canada) Limited, P.O. Box 70, Dunnville, ON, Canada, N1A 2Y6. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 140024 (Sub-131TA), filed October 11, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carri-*

er, by motor vehicle, over irregular routes, transporting: *Plastic trays*, from Downingtown, PA, to Richmond and Logan, UT, including points in the commercial zones of destinations named, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pepperidge Farm, Inc., 595 Westport Avenue, Norwalk, CT 06856. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 140612 (Sub-58TA), filed October 13, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour, P.O. Box 2207, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail stores, and chain grocery and feed business houses (except in bulk) between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, KY, and OH, for 180 days. Applicant has also filed an ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, MO. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 140829 (Sub-145TA), filed October 6, 1978. Applicant: CARGO CONTRACT CARRIERS CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the facilities of the Schrafft Candy Co. at Boston, MA to points in the States of IL, OH, TX, IN, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John G. Downes, Director of Distribution, the Schrafft Candy Co., Sullivan Square, Boston, MA 02129. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 10 North 14th Street, Omaha, NE 68102.

MC 141402 (Sub-22TA), filed October 6, 1978. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 332, Indiana State Hwy 32, Lapel, IN 46051. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, in bags, from Louisville, KY to points in IN, OH, and TN, restricted to transportation performed under a continuing contract or contracts with Alton Box Board Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alton Box Board Co., 401 Alton Street, Alton, IL 62002. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 141804 (Sub-140TA), filed October 6, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91786. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer machine paper, printed forms, materials, machinery and accessories*, between Orange, Los Angeles, Santa Clara, and San Diego Counties, CA, on the one hand, and, on the other, Tulsa, OK, Dallas and Houston, TX, and points in and east of MN, IA, MO, AR, and LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vanier Graphics Corp., P.O. Box 2155, Santa Ana, CA 92707. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142715 (Sub-17TA), filed October 11, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank Building, South Saint Paul, MN 55101. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 the facilities utilized by John Morrell & Co., at St. Paul, MN, to points in AL, FL, GA, MS, NC, SC, and TN, for 180 days. Supporting shipper: John Morrell & Co., 208 South La Salle Street, Chicago, IL 60604. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 143512 (Sub-2TA), filed October 6, 1978. Applicant: ALL CORPS, 838 Hutchison Street, Vista, CA 92083. Representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from the facilities of Pogens Family Bakery, Inc., located at Compton, CA, to Cleveland, OH, New York, NY, Detroit and Grand Rapids, MI, Indianapolis, IN, and Roanoke, VA, under a continuing contract, or contracts with Pogens Family Bakery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pogens Family Bakery, Inc., 1800 South Anderson Avenue, Compton, CA 90220. Send protests to: Irene Calos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143636 (Sub-3TA), filed October 11, 1978. Applicant: RON SMITH TRUCKING, R.R. 3, Arcola, IL 61910. Representative: Douglas G. Brown, INB Center, Suite 555, 1 North Old State Capitol Plaza, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and aggregates*, from, to and between Parke and Vigo Counties, IN, on the one hand, and, on the other, Douglas County, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Herman Bade, Owner, Herman Bade & Sons, Villa Grove, IL 61956, (2) D. Dale Cornwell, Plant Manager, Tuscola Builders Supply Co., Tuscola, IL 61953. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Federal Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 144351TA, filed October 6, 1978. Applicant: DON HAUSAUSER, d.b.a. DON HAUSAUER TRUCKING, Fort Lincoln Estates, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages* and *empty returnable bottles*, between Duluth, MN, and the facilities of Northbrook Pop Shoppe, Bismarck, ND, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northbrook Pop Shoppe, Northbrook Shopping Center, Bismarck, ND 58501. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building &

U.S. Post Office, 627 2d Avenue North, Fargo, ND 58102.

MC 144436 (Sub-3TA), filed October 13, 1978. Applicant: JOHN PRINCE TRANSPORTATION, INC., P.O. Box 440, Forsyth, MT 59327. Representative: Jerome Anderson, Anderson, Symmes, Brown, Gerbase, Cebull & Jones, 100 Transwestern Building, Billings, MT 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, building block, sewer tile* and *allied clay products* from Billings and Lewistown, MT to points in CA, under a continuing contract, or contracts with the Lovell Clay Products Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Lovell Clay Products Co., 1312 Lockwood Road, P.O. Box 2096, Billings, MT 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 144584 (Sub-3TA), filed October 6, 1978. Applicant: WASHINGTON-CALIFORNIA EXPRESS, INC., 919 South McGarry Street, Los Angeles, CA 90021. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated thermosetting plastics and vulcanized fibre*, between Lower Providence and Upper Providence Townships, Montgomery County, PA, on the one hand, and, on the other, NJ, DE, MD, VA, WV, NC, SC, KY, TN, GA, and AL, *materials, supplies and equipment* used in the manufacture of laminated thermosetting plastics and vulcanized fibre, from the destination States named above to Lower Providence and Upper Providence Townships in Montgomery County, and points in PA. Commodities manufactured, used, sold, or processed by Synthane Taylor Corp. between Lower Providence and Upper Providence Townships, Montgomery County, PA, on the one hand, and, on the other, Rome, GA, under a continuing contract, or contracts, with Synthane-Taylor Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Synthane-Taylor Corp. and Alco Standard company, P.O. Box 835, Valley Forge, PA 19882. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles, CA 90012.

MC 145152 (Sub-8TA), filed October 6, 1978. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Office furniture*, from Springdale, AR, to points in AL, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MT, MS, NC, ND, NE, NM, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, VT, WI, WV, WY, and DC, and (2) *parts equipment, materials and supplies* used in the manufacture of the commodities named in (1) above, from Morristown, TN, to Springdale, AR, for 180 days. Supporting shipper: P. F. I., Inc., P.O. Box 152, Springdale, AR 72764. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145226 (Sub-1TA), filed October 6, 1978. Applicant: HALES TRANSPORT CO., INC., P.O. Box 692, Bridgeport, TX 76026. Representative: Billy R. Reid, P.O. Box 9093, Ft. Worth, TX 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* from the facilities of Dolese at or near Davis, OK, to Frisco and Farmers Branch, TX, under a continuing contract, or contracts with Freeway Ready Mix, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operting authority. Supporting shipper: Freeway Ready Mix, 1480 West Valley View Lane, Farmers Branch, TX 75234. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Ft. Worth, TX 76102.

MC 145352 (Sub-1TA), filed October 6, 1978. Applicant: R. W. MCDANIEL TRANSPORTATION CORP., 21917 Garrison, Dearborn, MI 48124. Representative: James F. Schouman, 21915 Garrison, Dearborn, MI 48124. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Carbonated soft drinks, beverage compounds, empty containers*, between States of MD, PA, VA, NY, OH, IL, DE, WV, MI, IN, WI, and NJ, restricted to serving plantsite of Faygo Beverages, Inc., at Havre DeGrace, MD, as point of origin or destination, under a continuing contract, or contracts, with Faygo Beverages, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operting authority. Supporting shipper(s): Faygo Beverages, Inc., 3579 Gratiot Avenue, Detroit, MI 48207. Send protests to: T. S. Quinn, District Supervisor 604 Federal Building and U.S. Court House, 231 West LaFayette Boulevard, Detroit, MI 48226.

MC 145384 (Sub-12TA), filed October 13, 1978. Applicant: ROSE-WAY, INC., 1914 East Euclid, Des Moines, IA 50316. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Eureka, CA and Oregon City and Tualatin, OR, to points in IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operting authority. Supporting shipper: E. F. Gasper Lumber Sales, Inc., P.O. Box 55253. Indianapolis, IN 46220. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 145498 (Sub-1TA), filed October 6, 1978. Applicant: SKYLINE CONSTRUCTION CO., INC., P.O. Box 38, Big Piney, WY 83113. Representative: Toni Gilchrist, P.O. Box 38, Big Piney, WY 83113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in CO, ID, MT, ND, UT, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days for operating authority. Supporting shippers: May Petroleum, Inc., Suite 1000, One Energy Square, Dallas, TX 75206, McIlnay-Adams & Co., Inc., 2305 Oxford Lane, Casper, WY 82601, Pacific Transmission Supply Co., P.O. Box 3093, Casper, WY 82602, Union Texas Petroleum Division of Allied Chemical Corp., P.O. Box 2120, Houston, TX 77001, Delgado Oil Co., Big Piney, WY 83113, and Belco Petroleum Corp., P.O. Box 250, Big Piney, WY 83113. Send protests to: District Supervisor, Paul A. Naughton, Room 105 Federal Building & Court House, 111 South Wolcott, Casper, WY 82601.

MC 145532TA, filed October 13, 1978. Applicant: FOODSERVICE TRANSPORT, INC., 18195 Galatina No. 4, Rowland Heights, CA 91748. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Restaurant and institutional foods, supplies*, and *equipment*, between points in CA

and NV, under a continuing contract, or contracts with International Foodservice/Los Angles, Inc., International Foodservice/Las Vegas, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Foodservice/Los Angeles, Inc., International Foodservice/Las Vegas, Inc., 1065 East Walnut Street, Carson, CA 90746. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145534TA, filed October 13, 1978. Applicant: DUANE S. MORGAN, d.b.a. DUANE S. MORGAN TRUCKING, Route 1, Box 812, Prineville, OR 97754. Representative: Duane S. Morgan, Route 1, Box 812, Prineville, OR 97754. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber mill products*, from Crook County, Deschutes County and Klamath County, OR, to Los Angeles County and Orange County, CA, for 180 days. Supporting shipper: United Wholesale Lumber Co., 1400 Mines Avenue, Montebello, CA 90640. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operation, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 145537TA, filed October 13, 1978. Applicant: BTR, INC., 436 West 21st Street, Carroll, IA 51401. Representative: Edward H. Bueltel, 436 West 21st Street, Carroll, IA 51401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage (beer) and advertising materials*, from Carroll, IA to St. Paul, MN, Milwaukee, WI, and Peoria, IL, under a continuing contract or contracts with Farner-Bocken Beverage Co., for 180 day. Supporting shipper: Dennis L. Anderson, Vice President, Farner-Bocken Beverage Co., Carroll, IA 51401. Send protests to: Carrol Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC-145539-TA, filed October 6, 1978. Applicant: OHIO NORTHERN TRANSIT CO., 2871 West 130 Street, Medina Township, OH 44233. Representative: James C. White, 2871 West 130 Street, Medina Township, OH 44233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, which because of size or weight, require specialized equipment for loading, unloading, or transportation. Between points and places in Lorain and Medina Counties, OH, (and the commercial zones thereof), on the one hand, and, on the other, points in the United States east of the Continental Divide, between Mathiston, MS, on the one hand, and, on the other, points in the United States, for 180 days. Supporting shippers: Banks Manufacturing Co., Banks Road, Grafton, OH 44044, Frank A. Walsh & Sons, Inc., 13000 Athens Avenue, Cleveland, OH 44107, The Ceilcote Co., 140 Sheldon Road, Berea, OH 44017. There are approximately 13 statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies of which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, 713 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC-145546-TA, filed October 6, 1978. Applicant: ELDORADO TRUCK LINES, INC., Old Mill Road, P.O. Box 1109, Cartersville, GA 30120. Representative: Francis L. Ford, P.O. Box 1109, Cartersville, GA. 30120. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpet remanants or rugs, NOT, Soft surface (pile) fabric, power machine tufted or power loom woven*, in rolls, from Cartersville, GA, Calhoun, GA, and/or Dalton, GA, on the one hand, to Little Rock, AR, Miami, FL, Oklahoma City, OK, Dallas, TX, Ft. Worth, TX, and/or Houston, TX, on the other hand, under a continuing contract, or contracts, with Eldorado Carpet Mills, Inc., for 180 days. Supporting shipper: Eldorado Carpet Mills, Inc., P.O. Box 1105, Cartersville, GA 30120. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC-145620-TA, filed October 6, 1978. Applicant: INDUSTRIAL HEAVY TRANSPORT, 12151 West 44th Avenue, Wheatridge, CO 80033. Representative: William W. Selman, 18,500 John Kennedy Boulevard, Houston, TX 77205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap ferrous and nonferrous metals, scrap metals and scrap metal alloys, scrap electrical products, ingots, scrap automobile bodies*, between points and places within the States of AL, AK, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY, for 180 days. Supporting shipper: Commercial Metals Co., 3000 Diamond Park Drive, P.O. Box 1046, Dallas, TX 75221. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 112934 (Sub-8TA), filed October 6, 1978. Applicant: AUTOBUSES INTERNACIONALES, S. de R. L. (a Mexican corporation), Calle 30 and Diaz Miron, Meadowvista, NM 88063. Representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, NM 87102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between the boundary of the United States and Mexico at or near El Paso, TX, and Silver City, NM, from the United States-Mexico boundary at or near El Paso, TX, and the Ports of Entry thereon, over the Stanton Street, Santa Fe, and any other downtown bridges through El Paso, TX, over city streets, to junction with NM Hwy 28, thence over NM Hwy 28 to junction with U.S. Hwy 80 and Interstate 10 at or near Mesilla, NM, thence over U.S. Hwy 80 and Interstate 10 to junction with U.S. Hwy 180 at or near Deming, NM, thence over U.S. Hwy 180 to Silver City, NM, and return over the same route, serving all intermediate points, including Deming and Mesilla, NM, except that service is restricted against passengers and their baggage originating at El Paso, TX, and destined to Deming, NM, and also restricted against passengers and their baggage originating at tack the authority herein sought with its existing authority at the commqn point of El Paso, TX, for 180. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: John N. Lopez, 303 South Pinos Altos, Silver City, NM 88061, Mrs. Charles L. Grant, P.O. Box 353, Tyrone, NM 88065, and Mr. Antonio Martinez, 1015 Grant Street, No. 6, Silver City, NM 88061. There are approximately 39 statements of support attached to this application which may be examined at the field office named below. Send protests to: DS, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, NM 87101.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-32794 Filed 11-21-78; 8:45 am]

[7035-01-M]

[Notice No. 133]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 22, 1978.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 12, 1978. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 28869. By decision of November 17, 1978, the Motor Carrier Board approved the transfer to Central Forwarding Co., (an Ohio corporation), Hamilton, Ohio, of Amended Permit FF-50, issued October 4, 1946, to Central Forwarding Co., (an Illinois corporation), Hamilton, Ohio, authorizing the forwarding of paper and paper products, from points in IL, IN, KY, MI, and OH to points in AR, CO, IL, IA, KS, MN, MO, NE, OK, and WI. Any interested person may file a petition for reconsideration within 20 days of the date of this publication.

Stephen Hester, Box 598, Hamilton, OH 45012, representative for applicants.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32791 Filed 11-21-78; 8:45 am]

[7035-01-M]

[Docket No. 37045]

NEBRASKA INTRASTATE FREIGHT RATES AND CHARGES—1978

Decision

Decided: October 26, 1978.

By joint petition filed October 4, 1978, petitioners, 5 common carriers by railroad [1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in Nebraska, request that this Commission institute an investigation of their Nebraska intrastate freight rates and charges on sugar beets and cement, under section 13 of the Act. They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 343, effective November 30, 1977. Petitioners have stated grounds sufficient to warrant instituting an investigation.

It Is Ordered: The petition is granted. An investigation, under section 13 of the Act, is instituted to determine whether the Nebraska State rail freight rates on sugar beets and cement in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 343. In the investigation we shall also determine if any rates or charges, or maximum or minimum charges, or both, should be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

[1] Burlington Northern, Inc., Chicago, and North Western Transportation Co., Chicago, Rock Island and Pacific Railroad Co., Missouri Pacific Railroad Co., and Union Pacific Railroad Co.

All common carriers by railroad operating in Nebrska subject to the jurisdiction of the Commission are made respondents in this proceeding.

All persons who wish to particiate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this order shall be served upon each of the petitioners and respondents herein. Nebraska shall be notified of the proceeding by sending copies of this order by certified mail to the Governor of Nebraska. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C. this 26th day of October, 1978.

By the Commission, Alan M. Fitzwater, Acting Director, Office of Proceedings.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-32795 Filed 11-21-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Civil Rights Commission	2
Equal Employment Opportunity Commission	3
Federal Energy Regulatory Commission	4
Federal Maritime Commission	5
Federal Reserve System	6
National Labor Relations Board	7

[6320-01-M]

1

[M-179, Nov. 17, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 8:30 a.m., November 17, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Negotiations held with New Zealand in Wellington on November 6-10, and with Australia in Canberra on November 13-15.

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Member O'Melia returned from the subject consultations to the Board on November 16. It is necessary that the Board consider immediately the results of the consultations with an eye to possible early resumption of talks or other action. Accordingly, the following Members have voted that agency business requires that the Board meet on this item on less than 7 days' notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This meeting will concern positions for ongoing negotiations with Australia and New Zealand. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies prior to the negotiations could seriously compromise the ability of the U.S. Delegation to achieve an agreement which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

PERSONS EXPECTED TO ATTEND:

Board Members.—Chairman, Marvin S. Cohen; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. Sanford Rederer.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr. and Ms. Carol Light.

Bureau of Pricing and Domestic Aviation.—Mr. Richard B. Hirst and Mr. Herbert Aswall.

Bureau of International Affairs.—Mr. Rosario J. Scibilia, Ms. Sandra W. Gerson, and Mr. Ronald C. Miller.

The Department of State.—Mr. Micheal Styles.

Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c) (9)(B) and 14 CFR 310b.5(9)(B) and that the meeting may be closed to public observation.

GARY J. EDLES,
Deputy General Counsel.

[S-2359-78 Filed 11-20-78; 3:53 pm]

[6335-01-M]

2

U.S. COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Sunday, November 26, 1978, 5 p.m. to 7 p.m.

PLACE: 1121 Vermont Avenue NW., Room 800.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Review of Media Update Report.
2. Review of School Desegregation Report.

FOR FURTHER INFORMATION PLEASE CONTACT:

Loretta Ward, Office of Public Information, 202-254-6697.

[S-2357-78 Filed 11-20-78; 3:41 pm]

[6570-06-M]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-2334-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, November 21, 1978.

CHANGES IN THE MEETING:

1. Postponed until 9:30 a.m. (eastern time), Monday, November 27, 1978.
2. The report on Commission operations by the Executive Director is deleted from the agenda.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required these changes and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; and J. Clay Smith, Jr., Commissioner.

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued November 16, 1978.

[S-2354-78 Filed 11-20-78; 11:48 am]

[6740-02-M]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 54174, published November 20, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., November 22, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CP-4. CP78-136, Transcontinental Gas Pipe Line Corp.

KENNETH F. PLUMB,
Secretary.

[S-2356-78 Filed 11-20-78; 3:41 pm]

[6730-01-M]

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 53567, November 16, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., November 22, 1978.

CHANGES IN THE MEETING:

Addition of the following item to the closed session:

3. Docket No. 78-10: Union Camp Corp., et al., Possible Violation of sections 15, 16, 18 and 44 of the Shipping Act, 1916, and Commission General Order No. 4.

Deletion of the following item from the open session:

12. Special Docket No. 554: *Hermann Ludwig, Inc.* v. *Waterman Steamship Corp.*, consideration of the record.

[S-2358-78 Filed 11-20-78; 3:41 pm]

[6210-01-M]

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 53102, November 15, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Following 10 a.m. open portion, Friday, November 17, 1978.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item was added:

Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on Monday, November 13, 1978.)

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

GRIFFIN L. GARWOOD,
Deputy Secretary of the Board.

NOVEMBER 17, 1978.

[S-2353-78 Filed 11-20-78; 11:48 am]

[7545-01-M]

7

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 11 a.m., Wednesday, November 29, 1978.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Selection of Solicitor.

CONTACT PERSON FOR MORE INFORMATION:

William A. Lubbers, Executive Secretary, Washington, D.C. 20570, telephone 202-254-9430.

Dated, Washington, D.C., November 20, 1978.

By direction of the Board.

GEORGE A. LEET,
Associate Executive Secretary,
National Labor Relations Board.

[S-2355-78 Filed 11-20-78; 11:48 am]

Federal Register

WEDNESDAY, NOVEMBER 22, 1978
PART II



FEDERAL COMMUNICATIONS COMMISSION

■

PRIVATE LAND MOBILE RADIO SERVICE

Re-regulation

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21348; FCC 78-799]

PRIVATE LAND MOBILE RADIO SERVICE

Reregulation

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action finalizes proposals for reregulation of the rules governing the Private Land Mobile Radio Services. These rules were formerly contained in Parts 89, 91, and 93. This action substitutes new Part 90 for these three rules parts and in this way consolidates and updates the provisions involved. The result is a simpler, more modern manageable set of rules for use by applicants, licensees, and industry users.

EFFECTIVE DATE: January 2, 1979.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Richard Taube or Art King, Safety and Special Radio Services Bureau, 202-632-6497.

In the matter of amendment of the Commission's rules governing the private land mobile radio service to provide a new Part 90 that reregulates and consolidates Parts 89, 91, and 93. Report and order.

Adopted: November 14, 1978.

Released: November 16, 1978.

By the Commission; Commissioner White absent.

1. On July 27, 1977, a notice of proposed rulemaking was released in this proceeding to amend the Commission's rules by adding a new part to be designated as Part 90 for the regulation of the private land mobile radio services. The Commission's present rules for these radio services are in three separate rule parts that would be deleted: Part 89 covers the public safety radio services which include local government, public safety, and medical radio uses; Part 91 governs the industrial radio services which cover radio operations for commercial, manufacturing, and utility activities; and Part 93 combines land transportation radio services for passenger- and freight-carrying land-based vehicles. The proposals in this proceeding were intended to consolidate these present rules into the single Part 90 rule part.

2. The consolidation effort was found to be desirable in view of the commonality that exists between the present three private land-mobile rule parts. Provisions in each part relating to general eligibility requirements, application procedures, and technical and operational standards are similar and often indentical both in language and effect. Part 90 would eliminate these repetitious provisions and the confusion which now results from minor differences that have no special purpose or intent. At the same time, development of Part 90 would permit updating and improving these rules by deleting obsolete provisions, by clarifying and simplifying the rules language, and by including minor substantive changes that reflect current Commission policies and procedures. Normally, accomplishing changes of this nature would necessitate numerous separate rulemaking actions. It was emphasized, however, that the proceeding is not intended to alter the purposes and standards of the various private land mobile radio services; nor would the Commission consider frequency reallocation issues, problems concerning innovative procedures or requirements, or matters that involve competitive or divergent interests.

3. Comments were received from the parties listed below. In general, the comments support the Part 90 approach. The American Petroleum Institute stated:

> • • • simplification of the Commission's rules and regulations in the general form proposed will be beneficial for those applicants and licensees who deal with many of the regulations on a day-to-day basis as does the Commission's staff, as well as for equipment vendors and frequency advisory committees. Even as to those individuals who are not required to refer to the rules on a day-to-day basis, the proposed consolidation clearly appears to have many advantages over the present format followed in Parts 89, 91 and 93.

Forest Industries Telecommunications notes:

> The Commission is to be commended in its proposal to consolidate the redundant and repetitive portions of its rules, Parts 89, 91 and 93 into a new Part 90. Further we agree with the Commission's conclusion that such consolidation should include deregulation where possible and that the resulting combination of deregulation and simplification will enhance comprehension and readability. FIT believes the Commission has made a major step in this direction through the vehicle of the subject proposed rulemaking.

And, similarly, from Minnesota:

> The State of Minnesota, Office of Electronic Communications firmly supports the Commission in its efforts to clarify, simplify, deregulate, and consolidate where possible its rules and regulations regarding the land mobile radio services. Similarities in the various parts of the rules, with some minor inconsistencies through historic, periodic modifications, has from time to time led to some confusion. Consolidation of common major portions of the rules can lead to better understanding on the part of the user, and can enhance user activity by reducing research and reference time expended.

4. The comments confirm the Commission's conclusion that amendment of the rules to add Part 90 essentially as proposed appears to be both timely and productive. The single rules part format will no doubt be easier for both the public and the Commission to deal with in the use and regulation of private land mobile radio station facilities. Accordingly, we have determined to finalize the proposals by substituting Part 90 for present rule Parts 89, 91, and 93. At the same time, a number of modifications were suggested in the comments or are required as a result of recent collateral rulemaking actions so that Part 90 in its final form and content contains numerous changes. Many of these changes are editorial involving oversights, corrections, deletions, and so forth, and they do not require discussion. Other suggestions involve minor modification of the proposed provisions. Each of there recommendations has been carefully considered and, as appropriate and feasible, a number of changes reflecting these comments are in the finalized rules. Still other changes recommended are more significant and these will be discussed in the following paragraphs. It should be noted, however, that we have adhered closely to the principles enunciated for limiting the scope of this proceeding. Thus, comments suggesting changes that are not in keeping with the purposes and objectives of this rulemaking action have not been considered.[1]

5. The Commission requested specific suggestions concerning the layout of Part 90. As proposed, Part 90 would contain 17 subparts rather than the 34 subparts throughout Parts 89, 91, and 93.[2] The initial subpart (Subpart A) sets forth general information as to the basis and purpose of the private

[1] A notable example is the comment of Telemotive Products Group Dynascan Corp. This comment proposes a new subpart to consolidate and govern "Industrial Remote Control Operations." The purpose would be to eliminate the requirement that this functional use be related to eligibility, frequencies, and standards for specific radio services. Clearly, in the Commission's judgment, and as argued in a reply comment from the Utilities Telecommunications Council, this matter is beyond the scope of this proceeding. The proposal could be presented in an appropriate petition under Section 1.401 of the Commission's rules for requesting rule changes.

[2] As a result of rulemaking action in Doc. No. 20846, adopted Aug. 17, 1978 (FCC 78-622), an 18th subpart to cover control of transmitters and to clarify requirements for interconnected radio systems, has been added to the final version of Pt. 90.

land mobile rules and describes the content and organization of Part 90 for easy reference. One new provision (§ 90.5) includes references to other parts of the Commission's rules that are often of importance to applicants and licensees. Definitions are included in this subpart, a number of which are new definitions, and others are modified as necessary to reflect current standards. Many matters that appear as "general information" in present Parts 89, 91, and 93 are not considered appropriate for inclusion in this subpart. For example, Part 89 includes application requirements and procedures, technical standards, and operating requirements all as "general information." In Part 90, these matters are covered in separate more pertinent rule subparts.

6. Subparts B, C, D, E, and F cover, respectively, the public safety, the special emergency, the industrial, the land transportaion, and the radiolocation categories of radio services. Thus radio services would no longer be separate subparts as at present, but would fall into these broader categories. Each of these subparts sets forth for each radio service it covers the standards for eligibility, permissible communications, any special conditions, and a listing of the frequencies assignable together with their limitations. One radio service, the State guard service, will be deleted as a separate service, with provision made for licensing State guard functions in the local government radio service (see § 90.17 (b) and (c)). The only other reclassification in radio services would expand the present industrial radiolocation service to become the radiolocation radio service to incorporate all radiolocation functions (see Subpart F).

7. One change in Part 90 that should be helpful is that the description for each radio service will contain for ready reference virtually every frequency that may be regularly assigned in the particular service involved, as well as those frequencies shared on a secondary basis with licensees in other services, available only on a renewal basis under "grandfathered" provisions, or assignable under limited conditions or for special uses, including developmental uses. The frequencies would be listed in tables supplemented by a description of special additional frequencies assignable. This should greatly simplify an applicant's search for appropriate frequencies, particularly in the land transportation services where the frequencies are not presently listed in a table format. The only frequency not in these lists is the frequency 4883.2 kHz, which is available in all of the services without the necessity of specific authorization, but only in Alaska (see § 90.253). Another change that should aid in frequency selection applies to the limitations on the assignable frequencies. We have eliminated redundant provisions and combined and renumbered many of these limitations, while others are modified to simplify the language. Finally, we have included as a supplement section to Part 90 (§ 90.555) a single complete numerical listing of every frequency assignable together with a one word or coded description of radio services for the frequency, general uses, and any special uses.

8. Many provisions that are presently included under individual radio services subparts of Parts 89, 91, and 93, concern matters that will not be included in the services sections in Part 90. These include points of communication, secondary nonvoice signaling, requirements for relay and control stations, etc., all of which appear in other appropriate subparts of Part 90.

9. Subpart G contains the licensing procedures for private land mobile station applications. Provisions therein generally conform to present rule requirements for filing and processing license requests. Some changes to note include the addition of a section (now in Part 1 of the Commission's rules) as to procedures for Canadian licensees to operate in the United States when permitted under treaty agreements (§ 90.121); the elimination of references to construction permits, as these are no longer issued; and the deletion of requirements, including the use of Form 456, for notification to a Commission field office of commencement of operation, as presently contained in Parts 89, 91, and 93 in numerous sections. In addition, we have extensively expanded the rules concerning procedures for making changes in authorized stations. For example, § 90.135 describes and clarifies each specific type of change that requires an application for modification of license.

10. The Commission's policies for assignment and use of frequencies in the private land mobil services are now detailed in Subpart H. Important information is included in this subpart with respect to such matters as intersystem interference, frequency coordination, and cooperative use. One change from present policy deletes the requirement for applicants to select the highest order of frequencies available since the necessary exceptions to this standard have rendered the requirment relatively meaningless.

11. Technical standards of a general nature are detailed in Subpart I. Of note is new § 90.207 which sets forth not only the emissions that may be authorized under this part, but also the references to the types of operations in which they may be utilized. One present requirement being detailed as unwarranted is that applicants will no longer need to furnish a description of tone codes for nonvoice signaling operations. Those technical standards which apply to specialized operations are set forth in Subpart J. That subpart includes secondary nonvoice signaling provisions and the special requirements for radioteleprinter, radiofacsimile, automatic vehicle monitoring, and radio call boxes. Subpart J also consolidates the various present rule provisions for the authorization and operations of relay and repeater equipment (including vehicular repeaters). This should be particularly advantageous in the design of systems for private land mobile operations.

12. There are a number of special frequencies or frequency bands which are available on a general basis in the private land mobile services. They are noted in the individual frequency tables but the standards applicable to these bands are extensive and, therefore, these frequencies and standards have been included in Subparts K, L, and M. Subpart K contains the special standards for the frequency 4383.8 kHz, and the bands 27.235-27.275 MHz, 72-76 MHz, 216-220 MHz, 450-470 MHz (secondary cross-service fixed), and 1427-1435 MHz. standards for substitution of frequencies below 25 MHz are also included in this subpart. Subpart L deals exclusively with the special standards, requirements, and procedures for authorizations in the band 470-512 MHz on the frequencies derived from the Commission's UHF-TV sharing program. Similarly, Subpart M governs special licensing and use of frequencies in the 806-821 MHz and 851-866 MHz bands.

13. Subpart N covers operating requirements. Many of these requirements relating to such matters as permissible and prohibited communications, interstation communication limitations, points of communication, and operation of mobile units by persons other than the licensee, presently appear in differing formats in Parts 89, 91, and 93, either in general provisions or under application procedures, or in the radio services subparts. There is also presently a somewhat random pattern as to where station-identification requirements can be found. Incorporation of each of these operational requirements into one Subpart in part 90 has enabled us to provide language which is consistent and which should facilitate comprehension and compliance. Further, we have taken this opportunity to simplify and update some of these requirements. A notable example is in the station identification area where the consolidated provisions should prove much easier to understand and less burdensome to follow. Another clarifying provision appears in § 90.419(a), concerning the present provisions in Part 89 that permit sec-

ondary fixed uses of public safety and special emergency base station frequencies. Such secondary fixed uses are intended to be authorized only on frequencies below 450 MHz, and this provision reflects this limitation. it also appears to the Commission that present special provisions, which allow Industrial and land transportation stations to utilize base station frequencies for fixed station communications under certain restricted circumstances involving urgent need to contact mobile units, should be extended to the public safety and special emergency services on frequencies above 450 MHz. Section 90.419(b) reflects this change. Note, also, the new provision in § 90.441(b), added to permit licensees sharing a tower to appoint one licensee or an appropriate agent to perform inspection, maintenance, and logging functions. This is not now authorized in the rules but has been allowed on a case-by-case basis.[3]

14. Subpart O reflects the recent Commission rulemaking action in Docket No. 20846 (FCC 78-622, adopted Aug. 17, 1978). This subpart covers control of transmitters. Methods and control requirements for interconnecting private land mobile systems to the public telephone networks are included. Some of these provisions are interim pending further action in Docket No. 20846.

15. Subpart P sets forth the special requirements for licensing of stations in the Chicago region under the Chicago land mobile spectrum management program. The program applies to major areas in Illinois, Indiana, Iowa, Michigan, and Wisconsin.

16. The developmental licensing procedures are contained in Subpart Q. The final subpart, Subpart R, includes the provisions that apply to formalized emergency communications plans for the industrial and land transportation services. The industrial plan, the industrial communications emergency plan (ICEP), contains the requirements recently adopted in Docket 19312 (FCC 75-1285). The land transportation industries communications emergency plan (LATICEP) will be revised in a separate Commission action.

17. One issue of note as to the Part 90 layout was raised by some parties who expressed concern that the special emergency radio service would be "taken out" of the public safety radio services to become a separate category of radio services under Subpart C. Comments of the Associated Public Safety Communications Officers, Inc. (APCO), highlight the problems asserted to be involved:

> Special emergency systems in support of ambulance and rescue services, disaster relief services and school transportation systems display many of the characteristics of traditional police, fire, and local government safety agencies. Many of these emergency services are operated by municipal, county, and State agencies as adjuncts to other public safety services. In general, the rules for operating personnel of special emergency systems are similar to those for other public safety radio systems, and the activities of emergency groups are often undertaken jointly with police or fire departments or local government units. The trend toward municipal or countywide public safety dispatch centers linked to the 911 emergency telephone systems has increased the interaction of special emergency organizations with other public safety agencies * * *. This integration of special emergency systems with other public safety systems should suffice to show that the special emergency radio services belong with public safety radio services and should be accorded similar treatment and priority, by being placed in Subpart B of Part 90.

18. The Commission does not concur that the separation of special emergency radio services into a rules category apart from public safety radio services has any important bearing on licensability, allocations, operational standards, status, or consideration of the relative services. This delineation merely reflects an administrative determination that the dissimilarities between these categories of services, as well as the other categories (i.e., industrial, land transportation, radiolocation), require this rules structure. In general, it is our view that this approach makes the rules significantly easier to deal with, and that is the underlying objective of this proceeding. Specifically, licenses in public safety services are almost exclusively issued to local governments, whereas the most prolific special emergency services, such as medical, rescue, buses, veterinarians, are predominantly licensed to individuals or private organizations. Also, the assignment of frequencies is distinctly different. Public safety applicants must geographically coordinate frequency selection; while in special emergency, frequencies are available only for shared use. Other distinctions could be noted but the more relevant point is that we see no handicap, despite these differences and despite the Part 90 structure, to accomplishment of the objectives noted by APCO and by the other parties who expressed similar concerns. Accordingly, no change has been made in this regard in the final version of Part 90.

19. The Commission specifically asked for comments as to the combined frequency list which was proposed as a quick-reference guide. The parties who commented in this regard found this special listing to be very helpful and as noted it is being retained as a supplement at the end of Part 90. Another important tool for users is the cross-reference table which list the various rule sections in Parts 89, 91, and 93, indicates the action taken to conform each section to Part 90, and gives the Part 90 reference as applicable. This table appears at § 90.560 of the finalized Part 90. The alphabetical word index reference table proposed to be included in Part 90, received little comment. It appears that while this index could be helpful, it is largely duplicative of the regular table of contents. We are not including this table at this time.

20. Apart from format, there were suggestions in the comments for changes in the Part 90 provisions which have been accomplished. Some of these relate to definitions which we agree should be added and, we have also modifed certain definitions as requested for clarification or completeness. New added definitions include "itinerant operation," "land station," "operational fixed station," and "travelers information station," as well as a number of other terms derived from recent rulemaking actions. (See § 90.7.)

21. The Central Station Electrical Protection Association asks that we reinstate the requirement for applications for frequencies for the central station activities to be approved by recognized central station rating agencies. This requirement had been proposed to be deleted but it appears appropriate to continue this approval procedure to assure consistent use of the specially allocated frequencies for this activity.

22. As noted, the finalized version of Part 90 contains a number of amendments which result from the rulemaking changes to Parts 89, 91, and 93 in recent Commission docket actions. It had been anticipated that the Commission might revise its rules governing cooperative use of private land mobile radio stations[4] and that these revisions would also replace present provisions. For this reason, the proposed Part 90 did not include cooperative use provisions. However, this rulemaking action has not yet been taken and, accordingly, we have consolidated the present cooperative-use rules of Parts 89, 91, and 93 and they appear in §§ 90.179 to 90.185 in the finalized Part 90.

23. Other Commission rulemaking actions that affect Parts 89, 91, and 93

[3] Sears Roebuck Co. asks in its comments that a nonlicensed agent, such as the landlord of the building where the tower is located, or the owner of the tower, be acceptable to perform these functions. This arrangement appears appropriate and the proposed rule change has been amended accordingly. Sears also requests that we relieve the other licensees of responsibility for the proper performance of these functions when one licensee or a nonlicensed agent is appointed. However, no compelling reason has been given and the Commission must from a regulatory standpoint look to each licensee for meeting rule requirements particularly when nonlicensed agents of licensees may be involved.

[4] These rule changes are under consideration in Docket No. 18921.

will be included editorially in Part 90 until it becomes effective. After Part 90 becomes effective, all relevant Commission rulemaking actions will be reflected solely as Part 90 changes.

24. In consideration of the foregoing, the Commission determines that it is in the public interest, convenience, and necessity to amend its rules to add a new Part 90 to replace Parts 89, 91, and 93 of the Commission's rules for the regulation of private land mobile radio operations.

25. Accordingly, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *It is ordered*, That, effective January 2, 1979, volume V of the Commission's rules is amended by deleting Parts 89, 91, and 93 and substituting therefor Part 90 as shown below. *It is further ordered*, That this proceeding is terminated.

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

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

LISTING OF PARTIES WHO SUBMITTED COMMENTS

American College of Emergency Physicians
American Petroleum Institute
Associated Public Safety Communications Officers, Inc.
Association of American Railroads
Forest Industries Telecommunications
Maryland Institute for Emergency Medical Services
Mid-Atlantic Emergency Medical Services Council, Inc.
Minnesota Department of Transportation
Motorola, Inc.
National Association of Business and Educational Radio, Inc.
Offshore Navigation, Inc.
Sears, Roebuck & Co.
Seattle, Wash.
Special Industrial Radio Services Association, Inc.
Telemotive Product Group Dynascan Corp.
Utilities Telecommunications Council
Virginia Department of Health
West Virginia Department of Health

REPLY COMMENTS

Aeronautical Radio, Inc.
Central Station Electrical Protection Association
Utilities Telecommunications Council

Chapter I of Title 47 of the Code of Federal Regulations is amended by the deletion of Parts 89, 91, and 93 of the FCC rules and regulations and the substitution therefor of Part 90 as follows:

PART 89—[DELETED]

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Subpart A—General Information

Sec.
90.1 Basis and purpose.
90.3 Organization and applicability of the rules.
90.5 Other applicable rule parts.
90.7 Definitions.

Subpart B—Public Safety Radio Services

90.15 Scope.
90.17 Local government radio service.
90.19 Police radio service.
90.21 Fire radio service.
90.23 Highway maintenance radio service.
90.25 Forestry-conservation radio service.

Subpart C—Special Emergency Radio Service

90.33 Scope.
90.35 Medical services.
90.37 Rescue organizations.
90.39 Veterinarians.
90.41 Disaster relief organizations.
90.43 School buses.
90.45 Beach patrols.
90.47 Establishment in isolated areas.
90.49 Communications standby facilities.
90.51 Emergency repair of public communications facilities.
90.53 Frequencies available.
90.55 Paging operations.

Subpart D—Industrial Radio Services

90.59 Scope.
90.61 General eligibility.
90.63 Power radio service.
90.65 Petroleum radio service.
90.67 Forest products radio service.
90.69 Motion picture radio service.
90.71 Relay press radio service.
90.73 Special industrial radio service.
90.75 Business radio service.
90.79 Manufacturers radio service.
90.81 Telephone maintenance radio service.

Subpart E—Land Transportation Radio Services

90.85 Scope.
90.87 General eligibility.
90.89 Motor carrier radio service.
90.91 Railroad radio service.
90.93 Taxicab radio service.
90.95 Automobile emergency radio service.

Subpart F—Radiolocation Service

90.101 Scope.
90.103 Radiolocation service.

Subpart G—Applications and Authorizations

90.111 Scope.
90.113 Station authorization required.
90.115 Ineligibility of foreign governments.
90.117 Applications for radio station authorizations.
90.119 Application forms.
90.121 Canadian registration.
90.123 Full disclosures.
90.125 Who may sign applications.
90.127 Filing applications.
90.129 Supplemental information to be routinely submitted with applications.
90.131 Amendment or dismissal of applications.
90.135 Modification of license.
Sec.
90.137 Applications for operation at temporary locations.
90.139 Preliminary processing of applications.
90.141 Resubmitted applications.
90.143 Grants of applications.
90.145 Special temporary authority.
90.147 Mailing address furnished by licensee.
90.149 License term.
90.151 Requests for waiver.
90.153 Assignment of station authorization.
90.155 Time in which station must be placed in operation.
90.157 Discontinuance of station operation.

Subpart H—Policies governing the assignment of frequencies

90.171 Scope.
90.173 Policies governing the assignment of frequencies.
90.175 Frequency coordination requirements.
90.177 Protection of certain radio receiving locations.
90.179 Cooperative use of public safety and special emergency land mobil radio stations.
90.181 Cooperative use of industrial and radio location land mobile radio stations.
90.183 Cooperative use of land transportation radio stations.
90.185 Cooperative use of fixed radio stations.

Subpart I—General Technical Standards

90.201 Scope.
90.203 Type acceptance required.
90.205 Power.
90.207 Types of emission.
90.209 Bandwidth limitations.
90.211 Modulation requirements.
90.212 Provisions relating to the use of scrambling devices and digital voice modulation.
90.213 Frequency tolerance.
90.215 Transmitter measurements.
90.217 Exemption from technical standards.

Subpart J—Nonvoice and Other Specialized Operations

90.231 Scope.
90.233 Secondary base/mobile non-voice signaling operations.
90.235 Secondary fixed tone signaling and alarm operations.
90.237 Interim provisions for operation of radioteleprinter and radio-facsimile devices.
90.239 Interim provisions for operation of automatic vehicle monitoring (AVM) systems.
90.241 Radio call box operations.
90.242 Travelers' information stations.
90.243 Mobile relay stations.
90.245 Fixed relay stations.
90.247 Mobile repeater stations.
90.249 Control stations.

Subpart K—Standards for Special Frequencies or Frequency Bands

90.251 Scope.
90.253 Use of frequency 4383.8 kHz.
90.255 Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz.

Sec.
90.257 Assignment and use of frequencies in the band 72-76 MHz.
90.259 Assignment and use of frequencies in the bands 216-220 MHz and 1427-1435 MHz.
90.261 Assignment and use of frequencies in the band 450-470 MHz for fixed operations.
90.263 Substitution of frequencies below 25 MHz.

Subpart L—Authorization in the Band 470-512 MHz (UHF-TV Sharing)

90.301 Scope.
90.303 Availability of frequencies.
90.305 Location of stations.
90.307 Protection criteria.
90.309 Tables and figures.
90.311 Frequencies.
90.313 Frequency loading criteria.
90.315 Special provisions governing use of frequencies in the 488-494 MHz band (TV Channel 17) in the southern Louisiana Offshore zone.

Subpart M—Special Regulations Governing Licensing and Use of Frequencies in the 806-821 MHz and 851-866 MHz Bands

90.351 Scope.

APPLICATIONS FOR AUTHORIZATIONS IN THE 806-821 MHz AND 851-866 MHz BANDS

90.355 Eligibility.
90.357 Forms to be used.
90.359 Supplemental information to be furnished by applicants for facilities under this subpart.
90.361 Special limitations on amendment of application for assignment or transfer of authorizations for radio systems used to provide service to persons other than the licensee.

POLICIES GOVERNING THE PROCESSING OF APPLICATIONS AND THE SELECTION AND ASSIGNMENT OF FREQUENCIES FOR USE IN THE 806-821 MHz AND 851-866 MHz BANDS

90.363 Processing of applications.
90.365 Selection and assignment of frequencies.
90.367 Limitation on the number of frequencies assignable for conventional systems.
90.369 Other criteria to be applied in assigning channels for use in conventional systems of communication.
90.371 Limitation on the number of frequency pairs assignable for trunked systems and on the number of trunked systems.
90.373 Restriction on licensing manufacturers in the 806-821 MHz and 851-866 MHz bands.

CHANNEL LOADING REQUIREMENTS FOR TRUNKED AND CONVENTIONAL SYSTEMS OPERATING IN THE 806-821 AND 851-866 MHz BANDS

90.375 Trunked systems loading requirements.
90.377 Conventional systems loading requirements.

TECHNICAL REGULATIONS REGARDING THE USE OF FREQUENCIES IN THE 806-821 MHz AND 851-866 MHz BANDS

90.379 Limitations on power and antenna height.
90.381 Restrictions on operational fixed stations.
90.383 Acceptability of transmitters for licensing in the 806-821 and 851-866 MHz bands.

OPERATING REQUIREMENTS IN THE 806-821 MHz AND 851-866 MHz BANDS

90.385 Restrictions and limitations on permissible communications, on use, and on mode of operation.
90.387 Station identification.
90.389 Restriction on interconnection.
90.391 Supplemental reports required of licensees authorized under this subpart.

OTHER PROVISIONS GOVERNING THE USE OF THE 806-821 MHz AND 851-866 MHz BANDS

90.393 Special conditions governing the furnishing of radio equipment by licensees.
90.395 Number of systems authorized in a geographical area.
90.397 Special licensing requirements for radio systems used to provide service to persons other than the licensee.

Subpart N—Operating Requirements

90.401 Scope.
90.403 General operating requirements.
90.405 Permissible communications.
90.407 Communications permitted during emergency situations.
90.409 Emergency operations of public safety and special emergency mobile stations at fixed locations.
90.411 Civil defense communications in the public safety and special emergency radio services.
90.413 Civil defense communications in the taxicab radio service.
90.415 Prohibited Uses.
90.417 Interstation communication.
90.419 Points of communication.
90.421 Operation of mobile units in vehicles not under the control of the licensee.
90.423 Operation on board aircraft.
90.425 Station identification.
90.427 Precautions against unauthorized operation.
90.429 Control point and dispatch point requirements.
90.431 Unattended operation.
90.433 Operator license requirements.
90.435 Posting of operator license.
90.437 Posting station licenses.
90.439 Inspection of stations.
90.441 Inspection and maintenance of tower marking and associated control equipment.
90.443 Content of station records.
90.445 Form of station records.
90.447 Retention of station records.
90.449 Answers to a notice of violation.

Subpart O—Transmitter Control

90.461 Direct and remote control of transmitters.
90.463 Transmitter control points
90.465 Control of systems of communication.
90.467 Dispatch points.
90.469 Unattended operation.
90.471 Points of operation in internal systems.
90.473 Operation of internal systems through licensed fixed control points.
90.475 Operation of internal systems in specially equipped systems.
90.477 Restrictions on interconnected systems.
90.479 Interconnection of radio systems with the facilities of telephone companies.
90.481 Permissible methods of interconnecting private and public systems of communications.
90.483 Special requirements pertaining to the methods of interconnection.
90.485 One-way paging operations in the 806-821 MHz and 851-866 MHz bands.
90.487 One-way paging operations in the bands below 512 MHz.

Subpart P—Chicago Land Mobile Spectrum Management

90.491 Scope.
90.493 Chicago region.
90.495 Applications.
90.497 Special provisions relating to frequency assignments in the Chicago region.

Subpart Q—Developmental Operation

90.501 Scope.
90.503 Eligibility.
90.505 Showing required.
90.507 Limitations on use.
90.509 Frequencies available for assignment.
90.511 Interference.
90.513 Special provisions.
90.515 Change or cancellation of authorization without hearing.
90.517 Report of operation.

Subpart R—Emergency Communications Pursuant to the Industrial Communications Emergency Plan (ICEP) and the Land Transportation Industries Communications Emergency Plan (LATICEP)

90.525 Industrial Communications Emergency Plan (ICEP).
90.527 Land Transportation Industries Communications Emergency Plan (LATICEP).
90.555 Combined frequency listing.
90.560 Cross-reference table.

Subpart A—General Information

§ 90.1 Basis and purpose.

(a) *Basis.* The rules in this part are promulgated under Title II of the Communications Act of 1934, as amended which vests authority in the Federal Communications Commission to regulate radio transmission and to issue licenses for radio stations. All rules in this part are in accordance with applicable treaties and agreements to which the United States is a party.

(b) *Purpose.* This part states the conditions under which radio communications systems may be licensed and used in the Public Safety, Special Emergency, Industrial, Land Transportation, and Radiolocation Radio Services. These rules do not govern radio systems employed by agencies of the Federal Government.

§ 90.3 Organization and applicability of the rules.

The rules in this part are divided in 17 subparts as follows:

(a) Subpart A contains general information and definitions for use in this part.

(b) Subparts B, C, D, E, and F set forth the radio services governed under this part and include eligibility provisions, listing of frequencies available for each radio service, and special requirements and limitations applicable to a particular radio service.

(c) Subpart G describes the procedures and requirements for filing applications and licensing radio stations under this part.

(d) Subpart H provides requirements for selection of frequencies.

(e) Subpart I contains general technical standards for use of equipment under this part.

(f) Subpart J contains standards for certain specialized uses.

(g) Subpart K contains standards for the use of certain frequencies or frequency bands.

(h) Subpart L contains special regulations for operation in the 470-512 MHz band.

(i) Subpart M contains special regulations for operation in the 806-821 and 851-866 MHz bands.

(j) Subpart N sets forth system operating requirements.

(k) Subpart O contains special regulations for operation in the Chicago Land Mobile Spectrum Management District.

(l) Subpart P provides regulations for the authorization of developmental operations.

(m) Subpart Q contains regulations for emergency operations in the Industrial Radio Services (ICEP), and in the Land Transportation Radio Services (LATICEP).

§ 90.5 Other applicable rule parts.

Other Commission rule parts of importance that may be referred to with respect to licensing and operations in radio services governed under this part include the following:

(a) Part O of the Commission's Rules describes the Commission's organization and delegations of authority. This part also lists available Commission publications, and standards and procedures for access to Commission records, and location of Commission Field Offices.

(b) Part 1 includes rules of practice and procedure for adjudicatory proceedings including hearing proceedings, rule making proceedings; procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and for forfeiture proceedings; and the requirements for environmental impact statements.

(c) Part 2 contains the table of frequency allocations and special requirements in International regulations, agreements, and treaties. This part also contains standards and procedures concerning marketing of radio frequency devices, and for obtaining equipment type acceptance and type approval.

(d) Part 5 contains standards and procedures for obtaining experimental authorizations.

(e) Conditions under which the operations of incidental and restricted radio devices are permitted are in Part 15.

(f) Part 17 contains detailed requirements for construction, marking, and lighting of antenna towers.

(g) Part 18 deals with the operation of industrial, scientific, and medical (ISM) devices that are not intended for radio communication.

(h) Part 68 contains technical standards for connection of private land mobile equipment to the public switched telephone network.

(i) Part 94 governs licensing and operation of private operational-fixed radio stations on frequencies above 952 MHz (Microwave).

§ 90.7 Definitions.

Antenna height above average terrain (AAT). Height of the center of the radiating element of the antenna above the average terrain. (See § 90.309(a)(4) for calculation method.)

Antenna height above sea level. The height of the topmost point of the antenna above mean sea level.

Antenna structure. Structure on which an antenna is mounted.

Assigned frequency. Center of a frequency band assigned to a station.

Assigned frequency band. The frequency band the center of which coincides with the frequency assigned to the station and the width of which equals the necessary bandwidth plus twice the absolute value of the frequency tolerance.

Authorized bandwidth. The frequency band, specified in kilohertz and centered on the carrier frequency containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

Automatic Vehicle Monitoring (AVM). The use of non-voice signalling methods from and to vehicles to make known at fixed points the location of the vehicles. AVM systems may also transmit status and instructional messages related to the vehicles involved.

Average terrain. Tha average elevation of terrain between 2 and 10 miles from the antenna site.

Base station. A station at a specified site authorized to communicate with mobile stations.

Carrier frequency. The frequency of an unmodulated electromagnetic wave.

Channel loading. The number of mobile transmitters authorized to operate on a particular channel within the same service area.

Control point. Any place from which a transmitter's functions may be controlled.

Control station. An Operational Fixed Station, the transmissions of which are used to control automatically the emissions or operation of another radio station at a specified location.

Conventional radio system. A method of operation in which one or more radio frequency channels are assigned to mobile and base stations but are not employed as a trunked group. An "urban-conventional system" is one whose transmitter site is located within 15 miles (24 km) of the geographic center of any of the first 50 urbanized areas (ranked by population) of the United States. A "suburban-conventional system" is one whose transmitter site is located more than 15 miles (24 km) from the geographic center of the first 50 urbanized areas. See Table 21, Rank of Urbanized Areas in the United States by Population, page 1-87, U.S. Census (1970); and Table 1 of paragraph (h) of 90.365.

Developmental operation. A specially licensed operation for the purpose of testing concepts in the use of radio appropriate to the radio services governed by this part.

Dispatch point. Any place from which radio messages can be originated under the supervision of a control point.

Effective radiated power (ERP). The power supplied to an antenna multiplied by the relative gain of the antenna in a given direction.

Fired relay station. A station at a specified site used to communicate with another station at another specified site.

Frequency advisor. An individual or entity that has been recognized by the Commission for the purpose of coordinating the assignment of frequencies, by recommending, to applicants, upon request, appropriate frequencies for which to apply.

Geographic center. The geographic center of an urbanized area is defined by the coordinates given at Table 1 of paragraph (h) of § 90.365.

Harmful interference. For the purposes of resolving conflicts between stations operating under this part, any emission, radiation, or induction which specifically degrades, obstructs, or interrupts the service provided by such stations.

Interconnection. Connection, either through automatic or manual means, of private systems of radio communication with the facilities of the public switched telephone network to permit

the transmission of messages or signals between points in the public telephone network and persons or points served by the private radio system. Wire line or radio links furnished by common carriers and used by licensees for transmitter control, including dial-up circuits, are not included within the definition of interconnected systems. Such facilities are treated as separate and distinct and are regulated under the provisions of § 90.461.

Internal System. An internal system of communication is one in which all messages are transmitted between the fixed operating positions located on premises controlled by the licensee and the associated mobile stations or paging receivers of the licensee. (See Subpart O).

Interzone station. A fixed station in the Police Radio Service using radio telegraphy (A1 emission) for communications with interzone stations in other zones and with zone stations within the same zone.

Itinerant Operation. Operation of a radio station at unspecified locations for varying periods of time.

Land mobile radio service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land Station. A station in the mobile service not intended to be used while in motion. (As used in this part, the terms land station and base station are interchangeable.)

Line A. An imaginary line within the U.S., approximately paralleling the U.S.-Canadian border, north of which Commission coordination with Canadian authorities in the assignment of frequencies is generally required. It begins at Aberdeen, Washington, running by great circle arc to the intersection of 48° N., 120° W., then along parallel 48° N., to the intersection of 95° W., thence by great circle arc through the southern most point of Duluth, Minn., thence by great circle arc to 45° N., 85° W., thence souuthward along meridian 85° W., to its intersection with parallel 41° N., thence along parallel 41° N. to its intersection with meridian . . . 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates.

Line C. An imaginary line in Alaska approximately paralleling the border with Canada, East of which Commission coordination with Canadian authorities in the assignment of frequencies is generally required. It begins at the intersection of 70° N., 144° W., thence by great circle arc to the intersection of 60° N., 143° W., thence by great circle arc so as to include all the Alaskan Panhandle.

Mobile relay station. A base station in the mobile service authorized to retransmit automatically on a mobile service frequency communications which originate on the transmitting frequency of the mobile station.

Mobile Repeater Station. A mobile station authorized to retransmit automatically on a mobile service frequency, communications to or from hand-carried transmitters.

Mobile service. A service of radiocommunication between mobile and base stations, or between mobile stations.

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. This includes hand carried transmitters.

Operational Fixed Station. A fixed station, not open to public correspondence, operated by, and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Radio Services. (This includes all stations in the fixed service under this Part.)

Person. An individual, partnership, association, joint stock company, joint venture, trust, corporation, or local government entity.

Radio call box. A transmitter used by the public to request fire, police, medical, road service, or other emergency assistance.

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation of radio waves.

Radiofacsimile. A system of radiocommunication for the transmission of fixed images, with or without halftones, with a view to their reproduction in a permanent form.

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radio teleprinting. Radio transmissions to a printing telegraphic instrument having a signal-actuated mechanism for automatically printing received messages.

Secondary operation. Radio communications which may not cause interference to operations authorized on a primary basis and which are not protected from interference from those primary operations.

Signal booster. A device which automatically amplifies and transmits received base station transmissions with no change in frequency or authorized bandwidth.

SMSA (Standard Metropolitan Statistical Area). A city of 50,000 or more population and the surrounding counties.

Station authorization. A license issued by the Commission for the operation of a radio station.

Telecommand. The transmission of non voice signals for the purpose of remotely controlling a device.

Telemetering (also telemetry). The transmission of non-voice signals for the purpose of automatically indicating or recording measurements at a distance from the measuring instrument.

Travelers' Information Station. A base station in the Local Government Radio Service used to transmit non-commercial, voice information pertaining to traffic and road conditions, traffic hazard and traveler advisories, directions, availability of lodging, rest stops, and service stations, and descriptions of local points of interest.

Trunk (telephony). A one or two-way channel provided as a common traffic artery between switching equipment.

Trunk group. All of the trunks of a given type of characteristic that extend between two switching points.

Trunked radio system. A method of operation in which a number of radio frequency channel pairs are assigned to mobile and base stations in the system for use as a trunk group.

Urbanized Area. A city and the surrounding closely settled territories.

Zone station. A fixed station in the Police Radio Service using radio-telegraphy (A-1 emission) for communications with other similar stations in the same zone and with an interzone station in the same zone.

Subpart B—Public Safety Radio Services

§ 90.15 Scope.

The Public Safety Radio Services include the Local Government, Police, Fire, Highway Maintenance and Forestry-Conservation Radio Services. Rules as to eligibility for licensing, frequencies available, and any special requirements as to each of these radio services are set forth in the following sections.

§ 90.17 Local Government Radio Service.

(a) *Eligibility.* Any territory, possession, State, county, city, town, and similar governmental entity, including a district and an authority, but not including a shcool or park district or authority is eligible to hold authorizations in the Local Government Radio Service to operate radio stations for transmission of communications essential to official activities of the licensee.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Local Government Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations

which are explained in paragraph (c) of this section.

Local Government Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
530	Base (T.I.S.)	23
1610	do	23
2726	Base or mobile	1
Megahertz:		
37.10	do	2
37.18	do	2
37.26	do	2
39.06	Mobile	2, 3
39.10	Base or mobile	2
39.18	do	2
39.50	do	2
39.58	do	2
39.82	do	2
39.90	do	2
39.98	do	2
45.08	do	
45.12	do	
45.16	do	
45.20	do	
45.24	do	
45.28	do	
45.32	do	
45.36	do	
45.40	do	
45.44	do	
45.48	do	
45.52	do	
45.56	do	
45.60	do	
45.64	do	
46.52	do	
46.54	do	
46.56	do	
46.58	do	
72.00 to 76.00	Operational fixed	4
153.740	Mobile	
153.755	do	
153.785	do	
153.800	do	
153.815	do	
153.845	do	
153.860	do	
153.875	do	
153.905	do	
153.920	do	
153.935	do	
153.965	do	
153.980	do	
153.995	do	
154.025	Base or mobile	
154.040	do	5
154.055	do	5
154.085	do	5
154.100	do	5
154.115	do	5
154.45625	Fixed or mobile	6, 19, 20, 21, 22
154.46375	do	7, 19, 20, 21, 22
154.47125	do	7, 20, 21, 22
154.47875	do	19, 20, 21, 22
154.965	Base or mobile	
154.980	do	
154.995	do	
155.025	do	
155.040	do	
155.055	do	
155.085	do	
155.100	do	
155.115	do	
155.145	do	
155.715	do	
155.745	do	
155.760	do	
155.775	do	
155.805	do	
155.820	do	
155.835	do	
155.865	do	
155.880	do	
155.895	do	
155.925	do	
155.940	do	
155.955	do	
155.985	Mobile	

Local Government Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
156.000	do	
156.015	do	
158.745	Base and mobile	
158.760	do	
158.775	do	
158.805	do	
158.820	do	
158.835	do	
158.865	Mobile	
158.880	do	
158.895	do	
158.925	do	
158.940	do	
158.955	do	
173.20375	Fixed or mobile	7, 20, 21, 22
173.2100	do	7, 8, 21, 22
173.2375	do	19, 20, 21, 22
173.2625	do	19, 20, 21, 22
173.2875	do	19, 20, 21, 22
173.3125	do	19, 20, 21, 22
173.3375	do	19, 20, 21, 22
173.3625	do	19, 20, 21, 22
173.3900	do	7, 8, 21, 22
173.39625	do	7, 20, 21, 22
450 to 470	Fixed	10
453.025	Central control, fixed.	11
453.050	Base or mobile	12
453.075	Central control, fixed.	11
453.100	Base or mobile	12
453.125	Central control, fixed.	11
453.150	Base or mobile	12
453.175	Central control, fixed.	11
453.200	Base or mobile	12
453.225	do	
453.250	do	12
453.275	do	
453.300	do	12
453.325	do	
453.350	do	12
453.375	do	
453.400	do	12
453.425	do	
453.450	do	12
453.475	do	
453.500	do	12
453.525	do	
453.550	do	12
453.575	do	
453.600	do	12
453.625	do	
453.650	do	12
453.675	do	
453.700	do	12
453.725	do	
453.750	do	12
453.775	do	
453.800	do	12
453.825	do	
453.850	do	12
453.875	do	
453.900	do	12
453.925	do	
453.950	do	12
453.975	do	
458.025	Radio call boxes, fixed.	11,13
458.050	Mobile	12
458.075	Radio call boxes, fixed.	11, 13
458.100	Mobile	12
458.125	Radio call boxes, fixed.	11, 13
458.150	Mobile	12
458.175	Radio call boxes, fixed.	11, 13
458.200	Mobile	12
458.225	do	
458.250	do	12
458.275	do	
458.300	do	12
458.325	do	
458.350	do	12
458.375	do	

Local Government Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
458.400	do	12
458.425	do	
458.450	do	12
458.475	do	
458.500	do	12
458.525	do	
458.550	do	12
458.575	do	
458.600	do	12
458.625	do	
458.650	do	12
458.675	do	
458.700	do	12
458.725	do	
458.750	do	12
458.775	do	
458.800	do	12
458.825	do	
458.850	do	12
458.875	do	
458.900	do	12
458.925	do	
458.950	do	12
458.975	do	
470 to 512	Base or mobile	14
806 to 821	Mobile	15
851 to 866	Base or mobile	15
952 and above	Operational fixed	16
1427 to 1435	Operational fixed, base or mobile.	17
2450 to 2500	Base or mobile	18
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) This frequency is shared with the Special Emergency Radio Services and is available for assignment to the official state guard or comparable organization of a State, territory, possession, or the District of Columbia which is shown to be duly created by law and subject to the control of the highest official of the governmental entity involved, and may be used for emergency communications and for essential communications related to training and maintenance of an efficient organization. In addition to base and mobile stations, this frequency may be assigned to fixed stations on a secondary basis to base or mobile stations. Upon a showing of need, the use of a second frequency in the band 2505–3500 kHz may be made available to these organizations through appropriate arrangements with Government agencies for restricted area use on a shared basis with maximum power output, emission, and hours of operation determined on the basis of the technical conditions involved in using the selected frequency in the particular area.

(2) This frequency is shared with the Police Radio Service.

(3) The maximum output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts. Applicants for this frequency need not demonstrate compliance with the frequency coordination provisions of § 90.175.

(4) The frequencies available for use at operational fixed stations in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(5) This frequency is not available for assignment in this service in Puerto Rico or the Virgin Islands.

(6) This frequency is assignable for fixed stations to provide emergency callbox service in accordance with § 90.241(a).

(7) The maximum power output of the transmitter may not exceed 50 watts for fixed stations and 1 watt for mobile stations. A1, A2, A9, F1, F2, or F9 emission may be authorized.

(8) For FM transmitters, the sum of the highest modulating frequency in hertz and the amount of the frequency deviation or swing in hertz may not exceed 1700 Hz and the maximum deviation may not exceed 1.2 kHz. For AM transmitters, the highest modulating frequency may not exceed 1200 Hz. The carrier frequency must be maintained within .0005 percent of the center of the frequency band, and the authorized bandwidth may not exceed 3 kHz.

(9) [Reserved.]

(10) The frequencies available for fixed station in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Industrial and Land Transportation Radio Services where they are assigned for land mobile operations.

(11) Available for radio callbox communications related to safety on highways in accordance with the provisions of § 90.241(c).

(12) This frequency is available in this service on a shared basis with all other Public-Safety Radio Services.

(13) Available for medical services mobile operations in the Special Emergency Radio Service in accordance with § 90.53(b)(13).

(14) Subpart L contains rules for assignment of frequencies in the 470-512 MHz band.

(15) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(16) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by Part 94 of this Chapter.

(17) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(18) Available only on a shared basis with stations in other services, and subject to no protection from interference from industrial, scientific, or medical (ISM) devices.

(19) Use of this frequency is limited to stations located at least 120.7 km (75 miles) from the center of any urbanized area of 200,000 or more population (U.S. Census of Population 1970). Operation is on a secondary basis to that of the Power Radio Service.

(20) For FM transmitters, the sum of the highest modulating frequency in Hertz and the amount of the frequency deviation or swing in Hertz may not exceed 2800 Hz and the maximum deviation may not exceed 2.5 kHz. For AM transmitters, the highest modulation frequency may not exceed 2000 Hz. The carrier frequency must be maintained within .0005 percent of the center of the frequency band, and the authorized bandwidth may not exceed 6 kHz.

(21) This frequency is available on a shared basis with the Power, Petroleum, Forest Products, Special Industrial, Business, and Manufacturers Radio Services for remote control and telemetry operations.

(22) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 dB. Omnidirectional antennas having unity gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

(23) This frequency is available for use by Travelers' Information Stations in accordance with § 90.242.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253.)

(1) Substitution of frequencies available below 25 MHz may be made in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. See also § 90.257.

(4) The frequency bands 31.99 to 32.00 MHz, 33.00 to 33.01 MHz, 33.99 to 34.00 MHz, 37.93 to 38.00 MHz, 39.00 to 39.01 MHz, 39.99 to 40.00 MHz and 42.00 to 42.01 MHz, are available for assignment for developmental operation subject to the provisions of Subpart P.

(e) *Limitation on number of frequencies assignable.* Normally only two frequencies or pairs of frequencies in the varied frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with the operation of mobile repeaters in accordance with § 90.247 notwithstanding this limitation.

(2) The frequency 39.06 MHz may be assigned notwithstanding this limitation.

(3) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.19 Police Radio Service.

(a) *Eligibility.* Any territory, possession, State, county, city, town, and similar governmental entity including a governmental institution authorized by law to provide its own police protection, is eligible to hold authorizations in the Police Radio Service to operate radio stations for transmission of communications essential to official police activities of the licensee.

(b) *Police zone and interzone stations.* (1) Fixed zone and interzone stations may by authorized in the Police Radio Service. An unlimited number of zone stations may be authorized in a single zone, but only one interzone station will be authorized in any zone. (A zone is normally considered to be a single state.) Request to rezone a state to provide more than one interzone station must be supported by an adequate showing of need based upon the volume of traffic or the necessity for more expeditious handling of traffic. In addition, the request shall include a showing that all licensees of all affected zone stations have been notified and afforded an opportunity to comment on the request.

(2) In addition to the points of communication permitted by § 90.419, zone and interzone stations are authorized to intercommunicate in accordance with the operating procedure prescribed by the Commission. Copies of such procedure are available from the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(c) *International police radiocommunication.* Police radio licensees which are located in close proximity to the borders of the United States may be authorized to communicate internationally. Request for such authority shall be written and signed and submitted in duplicate. The request shall include information as to the station with which communication will be conducted, and the frequency, power, emission, etc., that will be used. If authorized, such international communication must be conducted in accordance with Article 5 of the Inter-Ameri-

can Radio Agreement, Washington, D.C., 1949 which reads as follows:

Article 5. *Police radio stations.* When the American countries authorize their police radio stations to exchange emergency information by radio with similar stations of another country, the following rules shall be applied:

(a) Only police radio stations located close to the boundaries of contiguous countries shall be allowed to exchange this information.

(b) In general, only important police messages shall be handled, such as those which would lose their value, because of slowness and time limitations if sent on other communication systems.

(c) Frequencies used for radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

(d) Radiotelephone communications shall be conducted only on frequencies assigned for radiotelephony.

(e) Radiotelegraph communications shall be conducted on the following frequencies: 2804 kHz calling, 2808 kHz working, 2812 kHz working, 5195 kHz day calling, 5135 kHz day working, 5140 kHz day working.

(f) The characteristics of police radio stations authorized to exchange information shall be notified to the International Telecommunication Union, Geneva, Switzerland.

(g) The abbreviations contained in Appendix 9 of the Atlantic City Radio Regulations shall be used to the greatest possible extent. Service indications are as follows: "P", priority, for messages that are to be sent immediately, regardless of the number of other messages, are to be transmitted in the order of receipt.

(h) The message shall contain the preamble, address, text, and signature, as follows:

Preamble. The preamble of the message shall consist of the following: the serial number preceded by the letters "NR", service indications, as appropriate; the group count according to standard cable count system; the letters "CK", followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviations); day, month, and hour of filing;

Address. The address must be as complete as possible and shall include the name of the addressee with any supplementary particulars necessary for immediate delivery of the message;

Text. The text may be either in plain language or code;

Signature. The signature shall include the name and title of the person originating the message.

(d) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Police Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (e) of this section:

Police Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
1610	Base or mobile	1, 2, 3
1618	do	1, 2, 3
1626	do	1, 2, 3
1634	do	1, 2, 3
1642	do	1, 2, 3
1650	do	2, 3
1658	do	2, 3
1666	do	2, 3
1674	do	2, 3
1682	do	2, 3
1690	do	1, 2, 3
1698	do	1, 2, 3
1706	do	1, 2, 3
1714	do	2, 3
1722	do	2, 3
1730	do	2, 3
2326	do	1, 2
2366	do	1, 2
2382	do	2
2390	do	1, 2
2406	do	2
2414	do	2
2422	do	2
2430	do	2
2442	do	2
2450	do	2
2458	do	2
2466	do	2
2474	do	2
2482	do	2
2490	do	2, 3
2804	Fixed	4
2808	do	4
2812	do	4
5135	do	4, 5
5140	do	4
5195	do	4, 6
7480	do	4, 7, 8
7805	do	4, 7
7935	do	4, 7
Megahertz:		
37.02	Mobile	
37.04	Base or mobile	
37.06	do	
37.08	do	
37.10	do	
		9
37.12	do	
37.14	do	
37.16	do	
37.18	do	9
37.20	do	
37.22	do	
37.24	do	
37.26	do	9
37.28	do	
37.30	do	
37.32	do	
37.34	Mobile	
37.36	Base or mobile	
37.38	Mobile	
37.40	Base or mobile	
37.42	Mobile	
39.02	Base or mobile	
39.04	do	
39.06	do	9, 10
39.08	do	
39.10	do	9
39.12	do	
39.14	do	
39.16	do	
38.18	do	9
39.20	do	
39.22	do	
39.24	do	
39.26	Mobile	
39.28	Base or mobile	
39.30	Mobile	
39.32	Base or mobile	
39.34	Mobile	
39.36	Base or mobile	
39.38	Mobile	
39.40	Base or mobile	
39.42	do	
39.44	do	
39.46	do	11
39.48	do	
39.50	do	9
39.52	do	
39.54	do	
39.56	do	
39.58	do	9
39.60	do	
39.62	do	
39.64	do	
39.66	Mobile	
39.68	Base or mobile	
39.70	Mobile	
39.72	Base or mobile	
39.74	Mobile	
39.76	Base or mobile	
39.78	Mobile	
39.80	Base or mobile	
39.82	do	9
39.84	do	
39.86	do	
39.88	do	
39.90	do	9
39.92	do	
39.94	do	
39.96	do	
39.98	do	9
42.02	do	2, 3, 12
42.04	do	2, 3, 12
42.06	do	2, 3, 12
42.08	do	2, 3, 12
42.10	do	2, 3, 12
42.12	do	2, 3, 12
42.14	do	2, 3, 12
42.16	do	2, 3, 12
42.18	Mobile	2, 12
42.20	do	2, 12
42.22	do	2, 12
42.24	do	2, 12
42.26	do	2, 12
42.28	do	2, 12
42.30	do	2, 12
42.32	Base or mobile	2, 3, 12
42.34	do	2, 3, 12
42.36	do	2, 3, 12
42.38	do	2, 3, 12
42.40	do	2, 3, 12
42.42	do	2, 3, 12
42.44	do	2, 3, 12
42.46	do	2, 3, 12
42.48	do	2, 3, 12
42.50	do	2, 3, 12
42.52	do	2, 3, 12
42.54	do	2, 3, 12
42.56	do	2, 3, 12
42.58	do	2, 3, 12
42.60	do	2, 3, 12
42.62	do	2, 3, 12
42.64	do	2, 3, 12
42.66	Mobile	2, 12
42.68	do	2, 12
42.70	do	2, 12
42.72	do	2, 12
42.74	do	2, 12
42.76	do	2, 12
42.78	do	2, 12
42.80	Base or mobile	2, 3, 12
42.82	do	2, 3, 12
42.84	do	2, 3, 12
42.86	do	2, 3, 12
42.88	do	2, 3, 12
42.90	do	2, 3, 12
42.92	do	2, 3, 12
42.94	do	2, 3, 12
44.62	do	2, 3, 12
44.66	do	2, 3, 12
44.70	do	2, 3, 12
44.74	do	2, 3, 12
44.78	Mobile	2, 12
44.82	do	2, 12
44.86	do	2, 12
44.90	do	2, 12
44.94	Base or mobile	2, 3, 12
44.98	do	2, 3, 12
45.02	do	2, 3, 12
45.06	do	2, 3, 12
45.10	do	

Police Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
45.14	do	
45.18	do	
45.22	do	
45.26	Mobile	
45.30	do	
45.34	do	
45.38	do	
45.42	Base or mobile	
45.46	do	
45.50	do	
45.54	do	
45.58	do	
45.62	do	
45.66	do	
45.70	do	
45.74	Mobile	
45.78	do	
45.82	do	
45.86	Base or mobile	11
45.90	do	
45.94	do	
45.98	do	
46.02	do	
72.00–76.00	Operational fixed	13
154.650	Mobile	
154.665	Base or mobile	12
154.680	do	12
154.695	do	12
154.710	Mobile	
154.725	Base or mobile	
154.740	do	
154.755	do	
154.770	Mobile	
154.785	Base or mobile	
154.800	do	
154.815	do	
154.830	Mobile	
154.845	Base or mobile	
154.860	do	
154.875	do	
154.890	Mobile	
154.905	Base of mobile	12
154.920	do	12
154.935	do	12
154.950	Mobile	
155.01	Base or mobile	
155.07	do	
155.13	do	
155.19	do	
155.25	do	
155.31	do	
155.370	do	
155.415	do	
155.430	do	
155.445	do	12
155.460	do	12
155.475	do	14
155.490	do	
155.505	do	12
155.520	do	
155.535	do	
155.550	do	
155.565	do	
155.580	do	
155.595	do	
155.610	do	
155.625	do	
155.640	do	
155.655	do	
155.670	do	
155.685	do	
155.700	do	
155.730	do	
155.79	do	
155.85	Mobile	
155.91	do	
155.97	do	
156.03	do	
156.09	do	
156.15	do	
156.210	Base or mobile	
158.730	do	
158.790	do	
158.850	do	
158.910	Mobile	
158.970	do	

Police Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
159.030	do	
159.090	Base or mobile	
159.150	do	
159.210	do	
450–470	Fixed	15
453.050	Base or mobile	16
453.100	do	16
453.150	do	16
453.200	do	16
453.250	do	16
453.300	do	16
453.350	do	16
453.400	do	16
453.450	do	16
453.500	do	16
453.550	do	16
453.600	do	16
453.650	do	16
453.700	do	16
453.750	do	16
453.800	do	16
453.850	do	16
453.900	do	16
453.950	do	16
458.050	Mobile	16
458.100	do	16
458.150	do	16
458.200	do	16
458.250	do	16
458.300	do	16
458.350	do	16
458.400	do	16
458.450	do	16
458.500	do	16
458.550	do	16
458.600	do	16
458.650	do	16
458.700	do	16
458.750	do	16
458.800	do	16
458.850	do	16
458.900	do	16
458.950	do	16
460.025	Base or mobile	
460.050	do	
460.075	do	
460.100	do	
460.125	do	
460.150	do	
460.175	do	
460.200	do	
460.225	do	
460.250	do	
460.275	do	
460.300	do	
460.325	do	
460.350	do	
460.375	do	
460.400	do	
460.425	do	
460.450	do	
460.475	do	
460.500	do	
460.525	do	17, 18, 20
460.550	do	17, 18, 20
462.950	do	17, 19
462.975	do	17, 19
465.025	Mobile	
465.050	do	
465.075	do	
465.100	do	
465.125	do	
465.150	do	
465.175	do	
465.200	Mobile	
465.225	do	
465.250	do	
465.275	do	
465.300	do	
465.325	do	
465.350	do	
465.375	do	
465.400	do	
465.425	do	
465.450	do	
465.475	do	

Police Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
465.500	do	
465.525	do	17, 18, 20
465.550	do	17, 18, 20
467.950	do	17, 19
467.975	do	17, 19
470–512	Base or mobile	21
806–821	Mobile	22
851–866	Base or mobile	22
952 and above	Operational fixed	23
1427 to 1435	Operational fixed, base or mobile.	24
2450 to 2500	Base or mobile	25
10,550 to 10,680	do	

(e) Explanation of assignment limitations appearing in the frequency table of paragraph (d) of this section:

(1) The use of this frequency is on a secondary basis to any Canadian station.

(2) The frequency is available for assignment only in accordance with a geographical assignment plan.

(3) Base stations operating on this frequency and rendering service to state police mobile units may be authorized to use a maximum output power in excess of the maximum indicated in § 90.205 but not in excess of 7500 watts: *Provided,* That such operation is secondary to other stations.

(4) This frequency is available for assignment to zone and interzone stations for use with type A1 emission only and a maximum output power of 750 watts.

(5) This frequency may be assigned to fixed stations in Alaska for point-to-point radiotelephone communications, using type A3 emission with a maximum output power of 750 watts on a secondary basis to zone and interzone stations and further subject to the condition that no harmful interference is caused to the service of any station, which in the discretion of the Commission may have priority on the frequency with which interference results.

(6) This frequency is authorized for use as a calling frequency; however, the transmission of operating signals or a single short radio telegram is permissible on a secondary basis to any calling signals.

(7) This frequency may be used only during that period of time between 2 hours after local sunrise and 2 hours before local sunset.

(8) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communication, using type A3 emission and a maximum output power of 750 watts.

(9) This frequency is shared with the Local Government Radio Service.

(10) The maximum output power of any transmitter authorized to operate

on this frequency, after June 1, 1956, shall not exceed two watts. Licensees holding a valid authorization as of June 1, 1956, for base or mobile station operation on this frequency, with a power in excess of two watts, may continue to be authorized for such operation without regard to this power limitation.

(11) This frequency is reserved for assignment to stations for intersystem operations only: *Provided, however,* That licensees holding a valid authorization to use this frequency for local base or mobile operations as of June 1, 1956, may continue to be authorized for such use.

(12) This frequency is reserved primarily for assignment to state police licensees. Assignments to other police licensees will be made only where the frequency is required for coordinated operation with the state police system to which the frequency is assigned. Any request for such assignment must be supported by a statement from the state police system concerned indicating that the assigment is necessary for coordination of police activities.

(13) The frequencies available for use at operational fixed stations in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies, are shared with other services and are available only in accordance with the provisions of § 90.257.

(14) This frequency is available nationwide for use in police emergency communications networks operated under statewide law enforcement emergency communications plans. Operations authorized on this frequency which are not in accordance with this limitation may continue until January 1, 1985.

(15) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Industrial and Land Transportation Radio Services where they are assigned for land mobile operations.

(16) This frequency is available in this service on a shared basis with all other Public-Safety Radio Services.

(17) This frequency is available for assignment, without regard to the coordination requirement of § 90.175 for the development and operation of nonvoice systems. F2, F4, or F9 emission will be authorized for use of this frequency, except that telemetry, telecommand, or automatic vehicle location systems may not be operated. F3 emission may also be authorized when required to supplement nonvoice operation. Transmitters type-accepted under this part for use of F3 emission may also be used for nonvoice operation on this frequency, provided that the audio keying signal is passed through the low pass audio frequency filter required in the transmitter for F3 emission, and provided further that the transmitter is so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission. Operation on this frequency is exempted from the station identification requirements of § 90.425.

(18) This frequency is shared until March 1, 1986, with Fire Radio Service Licensees authorized for its use prior to July 16, 1974, and operations in the Police Radio Service are on a secondary basis to such Fire Radio Service use.

(19) This frequency is available in this service only for systems licensed in this service prior to April 16, 1976, until March 1, 1986. Use of this frequency is shared with, and is on a primary basis to operations by licensees in the Special Emergency Radio Service.

(20) Until March 1, 1986, use of this frequency is on a secondary basis to Special Emergency licensees authorized prior to April 16, 1976.

(21) Subpart L contains rules for assignment of frequencies in the 470-512 MHz band.

(22) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(23) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by Part 94 of this Chapter.

(24) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(25) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical (ISM) devices.

(f) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253.)

(1) Substitution of frequencies available below 25 MHz may be made in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255 27.265, and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(4) The frequency bands 31.99 to 32.00 MHz 33.00 to 33.01 MHz, 33.99 to 34.00 MHz, 37.93 to 38.00 MHz, 39.00 to 39.01 MHz, 33.99 to 40.00 MHz and 42.00 to 42.01 MHz are available for assignment for developmental operation subject to the provisions of Subpart P.

(g) *Limitation on number of frequencies assignable.* Normally only one base and one mobile station frequency, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247, notwithstanding this limitation.

(2) The frequency 39.06 MHz may be assigned notwithstanding this limitation.

(3) A licensee may use, without specific authorization from the Commission any mobile service frequency between 40 MHz and 952 MHz listed in paragraph (d) of this section for communications in connection with physical surveillance, stakeouts, raids, and other such activities. Such use shall be on a secondary basis to operations of licensees regularly authorized on the assigned frequencies. The maximum power that may be used for such communications is 2 watts output. Other provisions of this part, including the requirements for station identification, shall apply.

(4) In addition to the frequencies assigned for mobile service operation, one base station frequency above 152 MHz may be assigned as a common frequency to all licensees in a particular area to permit intersystem communication between base stations or mobile stations or both. This frequency, use will not be authorized in any area where all available frequencies are required for independent systems.

(5) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands, 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.21 Fire Radio Service.

(a) *Eligibility.* Any territory, possession, state, county, city, town, or similar governmental entity, and persons or organizations charged with specific fire protection activities are eligible to hold authorizations in the Fire Radio Service to operate radio stations for transmission of communications essential to official fire activities of the licensee. Applications from persons or organizations other than governmental entities must be accompanied by a statement from the governmental entity having legal jurisdiction over the area to be served, supporting the request.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Fire Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (c) of this section:

Fire Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz: 1630	Base or mobile	
Megahertz:		
33.42	Mobile or fixed	1
33.44	Base or mobile	
33.46	Mobile	
33.48	Base or mobile	
33.50	Mobile	
33.52	Base or mobile	
33.54	Mobile	
33.56	Base or mobile	
33.58	Mobile	
33.60	Base or mobile	
33.62	Mobile	
33.64	Base or mobile	
33.66	Mobile	
33.68	Base or mobile	
33.70	do	
33.72	do	
33.74	do	
33.76	do	
33.78	do	
33.80	do	
33.82	do	
33.84	do	
33.86	do	
33.88	do	
33.90	do	
33.92	do	
33.94	do	
33.96	do	
33.98	do	
45.88		2
46.06	do	
46.08	do	
46.10	do	
46.12	do	
46.14	do	
46.16	do	
46.18	do	
46.20	do	
46.22	Mobile	
46.24	do	
46.26	do	
46.28	do	
46.30	Mobile or fixed	1
46.32	Mobile	
46.34	do	
46.36	Base or mobile	
46.38	do	
46.40	do	
46.42	do	
46.44	do	
46.46	do	
46.48	do	
46.50	do	
72.00 to 76.00	Operational fixed	3
153.77	Mobile	
153.83	Mobile or fixed	1
153.890	Mobile	
153.950	do	
154.010	do	
154.070	do	4
154.130	Base or mobile	4
154.145	do	4
154.160	do	4
154.175	do	4
154.190	do	4
154.205	do	4
154.220	do	4
154.235	do	4
154.250	do	4
154.265	do	2, 4
154.280	do	2, 4
154.295	do	2, 4
154.310	do	4
154.325	do	4

Fire Radio Service Frequency Table— Continued

Frequency or band	Class of station(s)	Limitations
154.340	do	4
154.355	do	4
154.370	do	4
154.385	Base or mobile	4
154.400	do	4
154.415	do	4
154.430	do	4
154.445	do	4
166.250	do	5
170.150	do	5
450.470	Fixed	6
453.050	Base or mobile	7
453.100	do	7
453.150	do	7
453.200	do	7
453.250	do	7
453.300	do	7
453.350	do	7
453.400	do	7
453.450	do	7
453.500	do	7
453.550	do	7
453.600	do	7
453.650	do	7
153.700	do	7
453.750	do	7
453.800	do	7
453.850	do	7
453.900	do	7
453.950	do	7
458.050	Mobile	7
458.100	do	7
458.150	do	7
458.200	do	7
458.250	do	7
458.300	do	7
458.350	do	7
458.400	do	7
458.450	do	7
458.500	do	7
458.550	do	7
458.600	do	7
458.650	do	7
458.700	do	7
458.750	do	7
458.800	do	7
458.850	do	7
458.900	do	7
458.950	do	7
460.525	do	8
460.550	do	8
460.575	do	
460.600	do	
465.625	do	
465.525	do	8
465.550	do	8
465.575	do	
465.600	do	
465.625	do	
470–512	Base or mobile	9
806–821	Mobile	10
851–866	Base or mobile	10
952 and above	Operational fixed	11
1427 to 1435	Operational fixed, base or mobile	12
2450 to 2500	Base or mobile	13
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) The maximum output power of any transmitter authorized to operate on this frequency shall not exceed 10 watts.

(2) This frequency is reserved for assignment to stations in this service for intersystem operations only and these operations must be primarily base-mobile communications.

(3) The frequencies available for use at operational fixed stations in the band 72–76 MHz are listed in §90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(4) This frequency is not available for assignment to stations in this service in Puerto Rico or the Virgin Islands.

(5) This frequency may be assigned to stations in the Fire Radio Service, only at points within 240 km. (150 mi.) of New York, N.Y.

(6) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Industrial and Land Transportation Radio Services where they are assigned for land mobile operations.

(7) This frequency is available in this service on a shared basis with all other Public-Safety Radio Services.

(8) This frequency is available to Fire Radio Service licensees authorized prior to July 16, 1974, until March 1, 1986, on a shared basis with, and primary to operations in the Police Radio Service.

(9) Subpart L contains rules for assignment of frequencies in the 470–512 MHz band.

(10) Subpart M contains rules for assignment of frequencies in the 806–821 and 851–866 MHz bands.

(11) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by Part 94 of this Chapter.

(12) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(13) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253.)

(1) Substitution of frequencies available below 25 MHz may be made in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0–74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(4) The frequency bands 31.99 to 32.00 MHz, 33.00 to 33.01 MHz, 33.99 to 34.00 MHz, 37.93 to 38.00 MHz, 39.00 to 39.01 MHz, 39.99 to 40.00 MHz and 42.00 to 42.01 MHz are available for assignment for developmental op-

eration subject to the provisions of Subpart P.

(e) *Limitation on number of frequencies assignable.* Normally only two frequencies or pairs of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with the operation of mobile repeaters in accordance with § 90.247, notwithstanding this limitation.

(2) The assignment of an additional frequency or frequencies may be authorized notwithstanding this limitation for common, intra-county, intra-fire-district, or intrastate fire coordination operations. The frequency or frequencies requested must be in accordance with a frequency utilization plan, for the area involved, on file with the Commission.

(3) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.23 Highway Maintenance Radio Service.

(a) *Eligibility.* Any territory, possession, State, county, city, town, and similar governmental entity is eligible to hold authorizations in the Highway Maintenance Radio Service to operate stations for transmission of communications essential to official highway activities of the licensee.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Highway Maintenance Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (c) of this section:

Highway Maintenance Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
33.02	Base or mobile	1
33.06	do	1
33.10	do	1
37.90	do	1
37.92	do	
37.94	do	1
37.96	do	
37.98	do	1
45.68	do	
45.72	do	
45.76	do	
45.80	do	
45.84	do	

Highway Maintenance Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
47.02	do	2
47.04	do	2
47.06	do	2
47.08	do	2
47.10	do	2
47.12	do	2
47.14	do	2
47.16	do	2
47.18	do	2
47.20	do	2
47.22	do	2
47.24	do	2
47.26	do	2
47.28	do	2
47.30	do	2
47.32	do	2
47.34	do	2
47.36	do	2
47.38	do	2
47.40	do	2
72.00 to 76.00	Operaional fixed	3
150.995	Base or mobile	4
151.010	do	4
151.025	do	4
151.040	do	4
151.055	do	4
151.070	do	4
151.085	do	4
151.100	do	4
151.115	do	4
151.130	do	4
156.045	Mobile	
156.060	do	
156.075	do	
156.105	Base or mobile	
156.120	do	
156.135	do	
156.165	do	5
156.180	do	5
156.195	do	5
156.225	do	5
156.240	do	5
157.050	do	6
157.110	do	6
158.985	Mobile	5
159.000	do	5
159.015	do	5
159.045	do	5
159.060	do	5
159.075	do	5
159.105	Base or mobile	5
159.120	do	5
159.135	do	5
159.165	do	5
159.180	do	
159.195	do	
450.470	Fixed	7
453.050	Base or mobile	8
453.100	do	8
453.150	do	8
453.200	do	8
453.250	do	8
453.300	do	8
453.350	do	8
453.400	do	8
453.450	do	8
453.500	do	8
453.550	do	8
453.600	do	8
453.650	do	8
453.700	Base or mobile	9
453.750	do	8
453.800	do	8
453.850	do	8
453.900	do	8
453.950	do	8
458.050	Mobile	8
458.100	do	8
458.150	do	8
458.200	do	8
458.250	do	8
458.300	do	8
458.350	do	8
458.400	do	8
458.450	do	8
458.500	do	8

Highway Maintenance Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
458.550	do	8
458.600	do	8
458.650	do	8
458.700	do	8
458.750	do	8
458.800	do	8
458.850	do	8
458.900	do	8
458.950	do	8
470-512	Base or mobile	9
806-821	Mobile	10
851-866	Base or mobile	10
952 and above	Operational fixed	11
1427-1435	Operational fixed, base or mobile.	12
2450-2500	Base or mobile	13
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) This frequency is shared with the Special Emergency Radio Service.

(2) This frequency will be assigned only in accordance with a geographical assignment plan and is reserved primarily for assignment to Highway Maintenance systems operated by states. The use of this frequency by other Highway maintenance licensees will be authorized only where such use is necessary to coordinate activities with the particular state to which the frequency is assigned. Any request for such use must be supported by a statement from the state concerned.

(3) The frequencies available for use at operational fixed stations in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies, are shared with other services and are available only in accordance with the provisions of § 90.257.

(4) This frequency is not available for assignment to stations in the Highway Maintenance Radio Service located in Puerto Rico and the Virgin Islands.

(5) This frequency is reserved for assignment for use in highway maintenance systems operated by licenses other than States.

(6) This frequency is only assigned to Highway Maintenance stations licensed for its use prior to April 28, 1952. Such use may continue on a secondary basis to any government or non-government radio operation.

(7) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Industrial and Land Transportation Radio Services where they are assigned for land mobile operations.

(8) This frequency is available in this service on a shared basis with all other Public-Safety Radio Services.

(9) Subpart L contains rules for assignment of frequencies in the 470–512 MHz band.

(10) Subpart M contains rules for assignment of frequencies in the 806–821 and 851–886 MHz bands.

(11) Assignment of frequencies for operational-fixed stations in the bands 952 and above is governed by Part 94 of this Chapter.

(12) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(13) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253.)

(1) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(2) The frequency bands 31.99 to 32.00 MHz, 33.00 to 33.01 MHz, 33.00 to 33.01 MHz, 33.99 to 34.00 MHz, 37.93 to 38.00 39.00 to 39.01 MHz, 39.99 to 40.00 MHz and 42.00 to 42.01 MHz are available for assignment for developmental operation subject to the provisions of Subpart P.

(3) Frequencies in the band 73.0–74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(e) *Limitation on number of frequencies assignable.* Normally only two frequencies or pairs of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with the operation of mobile repeaters in accordance with § 90.247, notwithstanding this limitation.

(2) Frequencies in the 25–50 MHz, 150–170 MHz and 450–512 MHz bands, and the frequency bands 903–904 MHz, 904–912 MHz 918–926 MHz and 926–927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.25 Forestry-Conservation Radio Service.

(a) *Eligibility.* Any territory, possession, State, county, city, town, and similiar governmental entity, or persons or organizations charged with specific forestry-conservation activities are eligible to hold authorizations in the Forestry-Conservation Radio Service to operate radio stations for transmission of communications essential to official forestry-conservation activities of the licensee. Application from persons or organizations other than governmental entities must be accompanied by a statement from the governmental entity having legal jurisdiction over the area to be served, supporting the request.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Foresty-Conservation Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (c) of this section:

Forestry-Conservation Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
2212	Base or mobile	1
2226	do	1
2236	do	1
2244	do	1
Megahertz:		
30.86	do	2
30.90	do	2
30.94	do	2
30.98	do	2
31.02	do	2
31.06	do	2, 3, 4
31.10	do	2, 3, 4
31.14	do	2, 3, 4
31.18	do	3, 4
31.22	do	3, 4
31.26	do	3, 4
31.30	do	3, 4
31.34	do	3, 4
31.38	do	3, 4
31.42	do	3, 4
31.46	do	3, 4
31.50	do	3, 4
31.54	do	3, 4
31.58	do	3, 4
31.62	do	3, 4
31.66	do	3, 4
31.70	do	3, 4
31.74	do	3, 4
31.78	do	3, 4
31.82	do	3, 4
31.86	do	3, 4
31.90	do	3, 4
31.94	do	3, 4
31.98	do	3, 4
44.64	do	
44.68	do	
44.72	do	
44.76	do	
44.80	do	
44.84	do	
44.88	do	
44.92	do	
44.96	do	
45.00	do	
45.04	do	
72.00 to 76.00	Operational fixed	5
151.145	Base or mobile	6
151.160	do	6
151.175	do	6
151.190	do	6
151.205	do	6
151.220	do	6
151.235	do	6
151.250	do	6
151.265	do	6
151.280	do	6
151.295	do	6
151.310	do	6
151.325	do	6

Forestry-Conservation Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
151.340	do	6
151.355	do	6
151.370	do	6
151.385	do	6
151.400	do	6
151.415	do	6
151.430	do	6
151.445	do	6
151.460	do	6
151.475	do	6
151.490	do	6, 7
159.225	do	
159.240	do	8
159.255	do	8
159.270	do	8
159.285	do	8
159.300	do	8
159.315	do	8
159.330	do	8
159.345	do	8
159.360	do	8
159.375	do	8
159.390	do	8
159.405	do	8
159.420	do	8
159.435	do	8
159.450	do	
159.465	do	
170.425	do	4, 9, 10
170.475	do	4, 9, 11
170.575	do	4, 9, 10
171.425	do	4, 9, 11
171.475	do	4, 9, 12
171.575	do	4, 9, 11
172.225	do	4, 9, 10
172.275	do	4, 11, 12
172.375	do	4, 9, 10
450.470	Fixed	13
453.050	Base or mobile	14
453.100	do	14
453.150	do	14
453.200	do	14
453.250	do	14
453.300	do	14
453.350	do	14
453.400	do	14
453.450	do	14
453.500	do	14
453.550	do	14
453.600	do	14
453.650	do	14
453.700	do	14
453.750	do	14
453.800	do	14
453.850	do	14
453.900	do	14
453.950	do	14
458.050	Mobile	14
458.100	do	14
458.150	do	14
458.200	do	14
458.250	do	14
458.300	do	14
458.350	do	15
458.400	do	14
458.450	do	14
458.500	do	14
458.550	do	14
458.600	do	14
458.650	do	14
458.700	do	14
458.750	do	14
458.800	do	14
458.850	do	14
458.900	do	14
458.950	do	14
470.512	Base or mobile	15
806 to 821	Mobile	16
851 to 866	Base or Mobile	16
952 and above	Operational fixed	17
1427 to 1435	Operational fixed, base or mobile.	18
2450 to 2500	Base or mobile	19
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) The use of this frequency is on a secondary basis to any Canadian station.

(2) This frequency is shared with the Motor Carrier Radio Service.

(3) This frequency is available for assignment only in accordance with a geographical assignment plan. This frequency may be used for conservation activities on a secondary basis to any station using the frequency for forest fire prevention, detection, and suppression.

(4) This frequency is reserved primarily for assignment to state licensees. Assignments to other licensees will be made only where the frequency is required for coordinated operation with the State system to which the frequency is assigned. Any request for such assignment must be supported by a statement from the State system concerned, indicating that the assignment is necessary for coordination of activities.

(5) The frequencies available for use at operational-fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(6) This frequency is not available for assignment to stations in this service located in Puerto Rico or the Virgin Islands.

(7) This frequency is shared with stations in the Special Industrial Radio Service and evidence of interservice coordination is required.

(8) This frequency is shared with the Special Industrial Radio Service in Puerto Rico and the Virgin Islands. All applications for the assignment of a new frequency or to change existing facilities in such a manner as to require frequency coordination as specified in § 90.175 for stations in Puerto Rico or the Virgin Islands, shall be accompanied by evidence of interservice frequency coordination.

(9) This frequency will be assigned only to licensees directly responsible for the prevention, detection, and suppression of forest fires, on a secondary basis to any U.S. Government station.

(10) This frequency will be assigned for use only in areas west of the Mississippi River.

(11) This frequency will be assigned for use only in areas east of the Mississippi.

(12) In addition to agencies responsible for forest fire prevention, detection, and suppression, this frequency may be assigned to conservation agencies which do not have forest fire responsibilities on a secondary basis to any U.S. Government stations, *Provided*, That such assignment is necessary to permit mobile relay operation by such agencies.

(13) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Industrial and Land Transportation Radio Services where they are assigned for land mobile operations.

(14) This frequency is available in this service on a shared basis with all other Public Safety Services.

(15) Subpart L contains rules for assignment of frequencies in the 470–512 MHz band.

(16) Subpart M contains rules for assignment of frequencies in the 806–821 and 851–866 MHz bands.

(17) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by Part 94 of this Chapter.

(18) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(19) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253.)

(1) Substitution of frequencies available below 25 MHz may be made in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0–74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(4) The frequency bands 31.99 to 32.00 MHz, 33.00 to 33.01 MHz, 33.99 to 34.00 MHz, 37.93 to 38.00 MHz, 39.00 to 39.01 MHz, 39.99 to 40.00 MHz, and 42.00 to 42.01 MHz are available for assignment for developmental operation subject to the provisions of Subpart P.

(e) *Limitation on number of frequencies assignable.* Normally only two frequencies or pairs of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with the operation of mobile repeaters in accordance with § 90.247 notwithstanding this limitation.

(2) Frequencies in the 25–50 MHz, 150–170 MHz, and 450–512 MHz bands, and the frequency bands 903–904 MHz, 904–912 MHz, 918–926 MHz, and 926–927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

Subpart C—Special Emergency Radio Service

§ 90.33 Scope.

The Special Emergency Radio Service covers the licensing of the radio communications of the following categories of activities: Medical services, rescue organizations, veterinarians, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communications facilities. Rules as to eligibility for licensing, permissible communication, classes and number of stations, and any special requirements as to each of these categories are set forth in the following sections. Frequencies available for these categories of services are shown in a separate frequency table.

§ 90.35 medical services.

(a) *Eligibility.* The following persons are eligible to hold authorization to operate radio stations for the delivery or rendition of medical services to the public and on a secondary basis, for transmission of messages related to the efficient administration of organizations and facilities engaged in medical services operations.

(1) Hospital establishments that offer services, facilities, and beds for use beyond 24 hours in rendering medical treatment.

(2) Institutions and organizations regularly engaged in providing medical services through clinics, public health facilities, and similar establishments.

(3) Ambulance companies regularly engaged in providing medical ambulance services.

(4) Rescue organizations for the limited purpose of participation in providing medical services.

(5) Associations comprised of two or more of the organizations eligible under paragraph (a) (1), (2), (3), and (4) of this section, for the purpose of active participation in and direct operational control of the medical services communication activities of such organizations.

(6) Physicians, schools of medicine, and oral surgeons, which may include an association of physicians or oral surgeons in a locality (such as a county, city, or metropolitan area), which is chartered by a national or

State association of physicians or oral surgeons, *provided,* That such association shall be subject fully to the provisions of § 90.179 governing the cooperative use of radio stations and *provided further,* That stations authorized to such associations may be used only for messages related to the medical activities of its members. This does not include associations whose primary purpose is to provide a communications service.

(7) Governmental entities and governmental agencies for their own medical activities.

(8) Governmental entities and governmental agencies for providing medical services communications to other eligible persons through direct participation in and direct operational control of the system, such as through central dispatch service.

(b) *Communications plans.* In the event that the applicant is participating in an area-wide medical communications plan, the plan may be filed with the application. A listing of current plans will be made available upon request to applicants and other interested parties in connection with the development of radio communications systems. In addition, copies of plans will be maintained for public inspection in the license records of the Commission's Washington, D.C., offices.

(c) *Class and number of stations available.* (1) The number and classes of stations which may be authorized will depend upon the frequencies selected and the demonstrated system requirements.

(2) Subject to the provisions of § 90.421, communication units of a mobile station authorized under this section may be installed in a vehicle or be handcarried for use by any person with whom cooperation or coordination is required for medical services activities.

§ 90.37 Rescue organizations.

(a) *Eligibility.* Persons or organizations operating a rescue squad are eligible to hold authorizations to operate radio stations for transmission of messages pertaining to the safety of life or property and urgent messages necessary for the rendition of an efficient emergency rescue service.

(b) *Class and number of stations available.* Each rescue squad will be authorized to operate one base station, and a number of mobile units (excluding hand carried mobile units) not exceeding the number of vehicles actually used in emergency rescue operations. In addition, each rescue squad will be authorized to operate a number of hand carried mobile units not exceeding two such units for each radio equipped vehicle actually used in emergency rescue operations.

§ 90.39 Veterinarians.

(a) *Eligibility.* A veterinarian, veterinary clinic, or a school of veterinary medicine is eligible to hold authorizations to operate radio stations for the transmission of messages pertaining to the care and treatment of animals.

(b) *Class and number of stations available.* Each licensee may be authorized to operate one base station and two mobile units. Additional base stations or mobile units will be authorized only on a showing of need.

§ 90.41 Disaster relief organizations.

(a) *Eligibility.* Organizations established for disaster relief purposes having an emergency radio communications plan are eligible to hold authorizations to operate radio stations for the transmission of communications relating to the safety of life or property, the establishment and maintenance of temporary relief facilities, and the alleviation of the emergency situation during periods of actual or impending emergency, or disaster, and until substantially normal conditions are restored.

(b) *Special eligibility showing.* The initial application from a disaster relief organization shall be accompanied by a copy of the charter or other authority under which the organization was established and a copy of its communications plan. The plan shall fully describe the operation of the radio facilities and describe the method of intergration into other communications facilities which normally would be available to assist in the alleviation of the emergency condition.

(c) *Class and number of stations available.* Disaster relief organizations may be authorized to operate the number of base, mobile, and fixed stations required.

§ 90.43 School buses.

(a) *Eligibility.* Persons or organizations operating school buses on a regular basis over regular routes are eligible to hold authorizations to operate radio stations for the transmission of messages pertaining to either the efficient operation of the school bus service or the safety or general welfare of the students they are engaged in transporting.

(b) *Class and number of stations available.* Each school bus operator may be authorized to operate one base station and a number of mobile units not in excess of the total of the number of buses and maintenance vehicles regularly engaged in the school bus operation. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need.

§ 90.45 Beach Patrols.

(a) *Eligibility.* Persons or organizations operating beach patrols having responsibility for life-saving activities are eligible to hold authorizations to operate radio stations for the transmission of messages required for the safety of life or property.

(b) *Class and number of stations available.* Eligibles in this category will be authorized to operate base, mobile, and fixed stations in the stated area served by the beach patrol. The number of such stations requested shall be justified.

§ 90.47 Establishment in isolated areas.

(a) *Eligibility.* Persons or organizations maintaining establishment in isolated areas where public communications facilities are not available and where the use of radio is the only feasible means of establishing communication with a center of population, or other point from which emergency assistance might be obtained if needed, are eligible to hold authorizations to operate radio stations for the transmission of messages only during an actual or impending emergency endangering life, health or property for the transmission of essential communications arising from the emergency. The transmission of routine or non-emergency communications is strictly prohibited.

(b) *Special eligibility showing.* The initial application requesting a station authorization for an establishment in an isolated area shall be accompanied by a statement describing the status of public communication facilities in the area of the applicant's establishment; the results of any attempts the applicant may have made to obtain public communication service, and; in the event radio communications service is to be furnished under subparagraph (d)(2) of this section, a copy of the agreement involved must be submitted.

(c) *Class and number of stations available.* Persons or organizations in this category may be authorized to operate not more than one fixed station at any isolated establishment and not more than one fixed station in a center of population.

(d) *Communication service rendered and received.* (1) The licensee of a station at any establishment in an isolated area shall make the communication facilities of such station available at no charge to any person desiring the transmission of any communication permitted by paragraph (a) of this section.

(2) For the purpose of providing the communications link desired the licensee of a station at an establishment in an isolated area either may be the licensee of a similar station at another location or may obtain communication

service under a mutual agreement from the licensee of any station in the Public Safety or Special Emergency Radio Services or any other station which is authorized to communicate with the special emergency fixed station.

§ 90.49 Communications standby facilities.

(a) *Eligibility.* A communications common carrier operating communications circuits that normally carry essential communication of such a nature that their disruption would endanger life or public property is eligible to hold authorizations for standby radio facilities for the transmission of messages only during periods when the normal circuits are inoperative due to circumstances beyond the control of the user. During such periods the radio facilities may be used to transmit any communication which would be carried by the regular circuit.

(b) *Special eligibility showing.* Initial applications for authorization to operate a standby radio facility must include a statement describing radio communication facilities desired, the proposed method of operation, a description of the messages normally being carried, and an explanation of how their disruption will endanger life or public property.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate the number of fixed stations as standby radio facilities required. Any such fixed station may be licensed for operation either at a specified location or for itinerant operation. In the latter case the area of desired operation must be specified by the applicant.

§ 90.51 Emergency repair of public communications facilities.

(a) *Eligibility.* Communications common carriers are eligible in this service for radio facilities to be used in effecting expeditious repairs to interruption of public communications facilities where such interruptions have resulted in disabling intercity circuits or service to a multiplicity of subscribers in a general area. Stations authorized under this section may be used only when no other means of communication is readily available, for the transmission of messages relating to the safety of life and property and messages which are necessary for the efficient restoration of the public communication facilities which have been disrupted.

(b) *Class and number of stations available.* Eligibles in this category may be authorized to operate the number of base, mobile and fixed stations required.

§ 90.53 Frequencies available.

(a) The following table indicates frequencies available for assignment to stations in the Special Emergency Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (b) of this section. (Frequencies below 450 MHz indicated for base or mobile stations may be authorized to fixed stations on a secondary basis to stations in the mobile service):

Special Emergency Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
2000-3000	Fixed	1
2726	Base or mobile	2
3201	do	
Megahertz:		
33.02	do	3
33.04	do	
33.06	do	3
33.08	do	
33.10	do	3
35.64	Base	4
35.68	do	4
37.90	Base or mobile	3
37.94	do	3
37.98	do	3
43.64	Base	4
43.68	do	4
45.92	Base or mobile	
45.96	do	
46.00	do	
46.04	do	
47.42	do	5
47.46	do	
47.50	do	
47.54	do	
47.58	do	
47.62	do	
47.66	do	
72.00 to 76.00	Operational fixed	6
150.775	Mobile	7
150.790	do	7
152.0075	Base	4
155.160	Base or mobile	8
155.175	do	8
155.205	do	8
155.220	do	
155.235	do	8
155.265	do	8
155.280	do	
155.295	do	8
155.325	do	8, 9
155.340	do	10
155.355	do	8, 9
155.385	do	8, 9
155.400	do	8, 9
155.450	Base	4, 11
155.250	do	4
450 to 470	Fixed	12
458.025	Mobile	13, 14
458.075	do	13, 14
458.125	do	13, 14
458.175	do	13, 14
460.525	Base or mobile	16, 17
460.550	do	16, 17
462.950	do	16, 18
462.975	do	16, 18
463.000	do	14, 15, 19
463.025	do	14, 15, 19
463.050	do	14, 15, 19
463.075	do	14, 15, 20
463.100	do	14, 15, 20
463.125	do	14, 15, 20
463.150	do	14, 15, 20
463.175	do	14, 15, 20
465.525	Mobile	16, 17
465.550	do	16, 17
467.950	do	16, 18
462.975	do	16, 18
468.000	do	14, 15, 16, 18
468.025	do	14, 15, 19
468.050	do	14, 15, 19
468.075	do	14, 15, 20
468.100	do	14, 15, 20
468.125	do	14, 15, 20
468.150	do	14, 15, 20
468.175	do	14, 15, 20
806 to 821	do	21
851 to 866	Base or mobile	21
952 and above	Operational fixed	22
1427 to 2435	Operational fixed, base or mobile.	23
2450 to 2500	Base or mobile	24
10,550 to 10,680	do	

Special Emergency Radio Service Frequency Table—Continued

(b) Explanation of assignment limitations appearing in the frequency table of paragraph (a) of this section:

(1) Appropriate frequencies in the band 2000-3000 kHz which are designated in Part 83 of this chapter as available to Public Ship Stations for telephone communications with Public Coast Stations may be assigned on a secondary basis to Special Emergency fixed stations for communication with Public Coast Stations only, provided such stations are located in the United States and the following conditions are met:

(i) That such fixed station is established pursuant to the eligibility provisions of § 90.47 and that the isolated area involved in an island or other location not more than 480 km (300 statute miles) removed from the desired point of communication and isolated from that point by water.

(ii) That evidence is submitted showing that an arrangement has been made with the coast station licensee for the handling of emergency communications permitted by § 81.302(b) and § 90.47(d) of this chapter.

(iii) That operation of the Special Emergency fixed station shall at no time conflict with any provision of Part 83 of this chapter and further, that such operation in general shall conform to the practices employed by Public Ship Stations for radiotelephone communication with the same Public Coast Station.

(2) This frequency is shared with the Local Government Radio Service where it is available for State Guard operations.

(3) This frequency is shared with the Highway Maintenance Radio Service.

(4) This frequency will be assigned only for one-way paging communications to mobile receivers. Transmissions for the purpose of activating or controlling remote objects on this frequency are not authorized.

(5) This frequency is reserved for assignment only to national organizations eligible for disaster relief operation under § 90.41.

(6) The frequencies available for use at operational fixed stations in the

band 72-76 MHz are listed in § 90.257(a)(1). These frequencies, are shared with other services and are available only in accordance with the provisions of § 90.257.

(7) This frequency may be authorized only for voice transmission from a portable (hand-held unit) that is not airborne, to an ambulance or other emergency vehicle for automatic retransmission (mobile repeater) on a regular mobile frequency to a base station facility. Operation on this frequency is limited to 2.5 watts output power.

(8) Any application for use of this frequency shall be accompanied by a signed statement that all licensees in other radio services who operate on a frequency 15 kHz removed and are located 16 to 56 km. (10-35 mi.) from the proposed base station have been notified of the applicant's intent to file, together with an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused. In no instance will an application be granted in this service where the distance between the proposed station and existing base stations is less than 16 km. (10 mi.).

(9) This frequency is assignable only to those hospitals described in § 90.35(a)(1) and to those ambulance companies which need to communicate with a hospital authorized on this frequency, while providing an ambulance service.

(10) This frequency is authorized for use under § 90.35(a) for the rendition and delivery of medical services, and may be designated by common consent as an inter-system mutual assistance frequency under an area-wide medical communications plan.

(11) Operations on this frequency are limited to 30 watts transmitter output power.

(12) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Industrial and Land-Transportation Radio Service where they are assigned for land mobile operations.

(13) This frequency is authorized for use under § 90.35(a) for telemetry or voice transmission with maximum transmitter output power of 1 watt from a portable telemetering unit to an ambulance for automatic retransmission (mobile repeater) to a hospital or other medical care facility. This frequency is also available in the Local Government Radio Service for highway radio call box operations. (See § 90.17 (b) and (c)(11).)

(14) The continuous carrier mode of operation may be used for telemetry transmission on this frequency.

(15) For applications for new radio systems received after August 15, 1974, the eight frequency pairs listed below will only be assigned in a block for shared operations under § 90.35(a) subject to the following:

(i) For uniformity in usage, these frequency pairs may be referred to by channel name as follows:

Frequencies base and mobile	Mobile only (megahertz)	Channel name
Megahertz:		
463.000	468.000	MED-1
463.025	468.025	MED-2
463.050	468.050	MED-3
463.075	468.075	MED-4
463.100	468.100	MED-5
463.125	468.125	MED-6
463.150	468.150	MED-7
463.175	468.175	MED-8

(ii) Except as provided in subparagraphs (v) and (vi) of this paragraph, mobile or portable stations must employ equipment which is both wired and equipped to transmit/receive, respectively, on each of these eight frequency pairs with transmitters operated on the 468 MHz frequencies.

(iii) Except as provided in subparagraph (vi) of this paragraph, base or control stations must employ equipment which is both wired and equipped to transmit/receive, respectively, on at least four (three, if biomedical telemetry operation is not employed in the system) of these eight pairs.

(iv) Multi-channel equipment requirement for use of these frequency pairs are intended to afford capability for alternating use of the individual frequencies, and ability to conduct simultaneous operations is not required. These requirements may be met in a single equipment unit or in any combination of equipment units suitable to a licensee's operations. The multi-channel requirements may be satisfied by several single-channel base stations in a mobile relay system provided that each control station can access all of the base stations and that any moblile unit located anywhere in the area of coverage can activate each of the base frequencies involved.

(v) Portable (hand-held) units operated with a maximum output power of 2.5 watts are exempted from the multi-channel equipment requirements specified in subparagraph (ii) in this paragraph.

(vi) Stations located in areas above line A, as defined in § 90.7, will be required to meet multi-channel equipment requirements only for those frequencies up to the number specified in subparagraph (ii) and (iii) of this paragraph which have been assigned to the licensee after coordination with Canada in accordance with the applicable U.S.-Canada agreement.

(16) This frequency is primarily authorized for use under § 90.35(a) in the dispatch of medical-care vehicles and personnel for the rendition or delivery of medical services. This frequency may also be assigned for intra-system and inter-system mutual assistance purposes.

(17) This frequency is available in this service only for systems licensed in the service prior to April 16, 1976, until March 1, 1986. Use of this frequency is shared with and is primary to operations in the Police Radio Service.

(18) Until March 1, 1986, use of this frequency is on a secondary basis to Police Radio Service licenses authorized prior to April 16, 1976.

(19) This frequency is primarily authorized for use, under § 90.35(a) for operations in bio-medical telemetry systems. F2, F3, and F9 emissions may be authorized. On a secondary basis, this frequency may be utilized for any other permissible communications consistent with § 90.35.

(20) This frequency is primarily authorized for use under § 90.35(a), for communications between medical facilities vehicles and personnel related to medical supervision and instruction for treatment and transport of patients in the rendition or delivery of medical services. F2 and F3 emissions are authorized. On a secondary basis, this frequency may be utilized for any other permissible communications consistent with § 90.35, including biomedical telemetry transmissions, and F9 emission may be additionally authorized.

(21) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(22) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by part 94 of this Chapter.

(23) This frequency band is available in this service subject to the provisions of § 90.259.

(24) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical (ISM) devices.

(25) A licensee regularly conducting two-way communication operations on this frequency may, on a secondary basis, also transmit one-way alert-paging signals to ambulance and rescue squad personnel.

(c) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253).

(1) Substitution of frequencies available below 25 MHz may be made in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(4) The frequency bands 31.99 to 32.00 MHz, 33.00 to 33.01 MHz, 33.99 to 34.00 MHz, 37.93 to 38.00 MHz, 39.00 to 39.01 MHz, 39.99 to 40.00 MHz and 42.00 to 42.01 MHz are available for assignment for developmental operation subject to the provisions of subpart P.

(d) *Limitation on number of frequencies assignable.* Normally only one frequency below 450 MHz will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with the operation of mobile repeaters in accordance with § 90.247, notwithstanding this limitation.

(2) An additional frequency may be assigned for paging operations from those frequencies available under § 90.53(b)(4).

(3) The frequency 155.340 MHz may be assigned as an additional frequency when it is designated as a mutual assistance frequency as provided in § 90.53(b)(10).

(4) Additional frequencies may be assigned for fixed station operations.

(5) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.55 Paging operations.

Effective August 15, 1974, paging operations may be authorized in the Special Emergency Radio Service only on frequencies assigned under the provisions of § 90.53(b)(25). Paging operations on other frequencies, authorized prior to August 15, 1974, may be continued for the balance of the license term then effective. In addition, such operations may be renewed until January 1, 1980, subject to the condition that harmful interference is not caused to regularly authorized operations in the Special Emergency Radio Service.

Subpart D—Industrial Radio Services

§ 90.59 Scope.

The Industrial Radio Services include the Power, Petroleum, Forest Products, Motion Picture, Relay Press, Special Industrial, Business, Manufacturers, and Telephone Maintenance Radio Services. Rules as to eligibility for licensing, specific frequencies available, and any special requirements as to each of these radio services are set forth in the following sections.

§ 90.61 General eligibility.

In addition to the eligibility shown in each Industrial Radio Service, eligibility is also provided for any corporation proposing to funish nonprofit radiocommunication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary provided the party served is regularly engaged in any of the eligibility activities set forth in the particular service involved. Eligibility is also provided, except in the Business Radio Service, for a nonprofit corporation or association that is organized for the purpose of furnishing a radiocommunication service to persons actually engaged in any of the eligibility activities set forth in the particular service involved subject to the cooperative use provisions of § 90.179.

§ 90.63 Power radio service.

(a) *Eligibility.* Persons primarily engaged in any of the following activities are eligible to hold authorizations in the Power Radio Service to operate radio stations for transmission of communications essential to such activities of the licensee:

(1) The generation, transmission, or distribution of electrical energy for use by the general public or by the members of a cooperative organization.

(2) The distribution of manufactured or natural gas by means of pipe line, for use by the general public or by the members of a cooperative organization, or, in a combination of that activity with the production, transmission or storage of manufactured or natural gas preparatory to such distribution.

(3) The distribution of steam by means of pipeline or, of water by means of pipeline, canal, or open ditch, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the collection, transmission, storage, or purification of water or the generation of steam preparatory to such distribution.

(4) The providing of a supporting service by a corporation directly related to activities of its parent corporation, of another subsidiary of the same parent, or of its own subsidiary, where the party served is regularly engaged in any of the eligibility activities set forth in this section.

(b) *Special use of service.* (1) Radio facilities licensed to an electric power entity, in addition to being used primarily for the installation and maintenance of the electric power system, may also be used for the installation and maintenance of any other wireline facilities where such facilities employ in whole or in part the same pole line or duct distribution system as that of the electric power entity and where the licensee has the responsibility to maintain such additional wireline facilities through common ownership or contractual arrangement.

(2) Persons licensed under the provisions of subparagraph (a)(2) of this section may utilize their radio facilities in conjunction with the supplying of liquefied petroleum gas to consumers in areas beyond gas distribution pipelines.

(c) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Power Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (d) of this section:

Power Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
2292	Base or mobile	1
2398	do	1
4637.5	do	1
Megahertz:		
37.46	Base or mobile	
37.48	do	
37.50	do	
37.52	do	
37.54	do	
37.56	do	
37.58	do	
37.60	Base, mobile or operational fixed.	2
37.62	Base or mobile	
37.64	do	
37.66	do	
37.68	do	
37.70	do	
37.72	do	
37.74	do	
37.76	do	
37.78	do	
37.80	do	
37.82	do	
37.84	Operational fixed, base or mobile.	2
37.86	Base or mobile	
47.70	do	
47.72	do	
47.74	do	
47.76	do	
47.78	do	
47.80	do	
47.82	do	
47.84	do	
47.86	do	
47.88	do	
47.90	do	
47.92	do	
47.94	do	
47.96	do	
47.98	do	
48.00	do	
48.02	do	
48.04	do	

Power Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
48.06	do	
48.08	do	
48.10	do	
48.12	do	
48.14	do	
48.16	do	
48.18	do	
48.20	do	
48.22	do	
48.24	do	
48.26	do	
48.28	do	
48.30	do	
48.32	do	
48.34	do	
48.36	do	
48.38	do	
48.40	do	
48.42	do	
48.44	do	
48.46	do	
48.48	do	
48.50	do	
48.52	do	
48.54	do	
72–76	Operational fixed	3
153.410	Base or mobile	
153.425	do	4
153.440	do	5
153.455	do	4
153.470	do	
153.485	do	4
153.500	do	5
153.515	do	4
153.530	do	
153.545	do	4
153.560	do	5
153.575	do	4
153.590	do	
153.605	do	4
153.620	do	5
153.635	do	4
153.650	do	
153.665	do	4
153.680	do	5
153.695	do	
153.710	do	
153.725	do	
154.45625	Mobile	7, 21, 22, 23
154.46375	do	6, 7, 21
154.47125	do	7, 11, 21, 22
154.47875	do	7, 21, 22, 23
158.130	Base or mobile	
158.145	do	8
158.160	do	9
158.175	do	8
158.190	do	
158.205	do	8
158.220	do	9
158.235	do	8
158.250	do	
158.265	do	8
169–172	Operational fixed	10
173.20375	Fixed or mobile	7, 11, 21, 22
173.2100	do	11, 12, 21, 22
173.2375	do	7, 21, 22, 23
173.250	Base or mobile	9
173.2625	Fixed or mobile	7, 21, 22, 23
173.2875	do	7, 21, 22, 23
173.300	Base or mobile	9
173.3125	Fixed or mobile	7, 21, 22, 23
173.3375	do	7, 21, 22, 23
173.350	Base or mobile	9
173.3625	Fixed or mobile	7, 21, 22, 23
173.3900	do	11, 12, 21, 22
173.39625	do	7, 11, 21, 22
406–413	Operational fixed	10
450–470	Fixed	14
451.025	Base or mobile	
451.050	do	
451.075	do	
451.100	do	
451.125	do	
451.150	do	
451.175	do	15
451.200	do	
451.225	do	15

Power Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
451.250	do	
451.275	do	15
451.375	do	15
451.425	do	15
451.475	do	15
451.525	do	15
451.575	do	15
451.625	do	15
451.675	do	15
456.025	Mobile	
456.050	do	
456.075	do	
456.100	do	
456.125	do	
456.150	do	
456.175	do	15
456.200	do	
456.225	do	15
456.250	do	
456.275	do	15
456.375	do	15
456.425	do	15
456.475	do	15
456.525	do	15
456.575	do	15
456.625	do	15
456.675	do	15
462.475	Base or mobile	15
462.525	do	15
467.475	Mobile	15
467.525	do	15
470 to 512	Base or mobile	16
806 to 821	Mobile	17
851 to 866	Base or mobile	17
952 and above	Operational fixed	18
1427 to 1435	Base, mobile or operational fixed.	13
2450 to 2500	Base or mobile	19
8400 to 8500	do	20
10,550 to 10,680	do	

(d) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (c) of this section:

(1) Frequencies below 25 MHz will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 MHz will not meet the operational requirements of the applicant.

(2) This frequency may be assigned only to stations operating in an interconnected or coordinated utility system in accordance with an operational communications plan which sets forth all points of communications. Authorizations at variance with an established operational communications plan will be made only on a secondary basis.

(3) The frequencies available for use at operational fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(4) This frequency is shared with the Forest Products and Petroleum Radio Services in the States of Arkansas, Louisiana, Oklahoma, and Texas.

(5) This frequency is not available for assignment in the service in the States of Arkansas, Louisiana, Oklahoma, and Texas. In these States, this frequency is available to the Petroleum and Forest Products Radio Services.

(6) This frequency is available primarily for assignment to multiple address fixed stations employing omnidirectional antennas used for Power Utility peak load shaving and shedding and to mobile stations used for the remote control of objects and devices. The maximum power that may be authorized to fixed stations is 300 watts output, and the maximum power that may be authorized for mobile stations is 1 watt output. A1, A2, F1, or F2 emission may be authorized. This frequency may also be assigned to operational fixed stations employing directional antenna systems (front-to-back ratio of 20 dB) when such stations are located at least 120 km. (75 mi.) from the boundaries of any urbanized area of 200,000 or more population, (U.S. Census of Population, 1970, vol. I, fig. 46, p. S36). The maximum power output of the transmitter for such fixed stations may not exceed 50 watts. A1, A2, F1, or F2 emission may be authorized.

(7) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 2.8 kHz and the maximum frequency deviation may not exceed 2.5 kHz. For AM transmitters the highest modulating frequency may not exceed 2.0 kHz. The carrier frequency must be maintained within 0.0005 percent, and the authorized bandwidth may not exceed 6 kHz.

(8) This frequency is shared with Forest Products and Petroleum Radio Services in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

(9) This frequency is not available for assignment in this service in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington. In these States this frequency is available only in the Petroleum and Forest Products Radio Services.

(10) This frequency will be assigned only for transmitting hydrological or meteorological data in accordance with the provisions of § 90.265.

(11) The maximum output power of the transmitter may not exceed 50 watts for fixed stations and 1 watt for mobiles. A1, A2, A9, F1, F2, or F9 emission may be authorized.

(12) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 1.7 kHz and the maximum deviation may not exceed 1.2 kHz. For AM transmitters the highest modulating frequency may not exceed 1.2 kHz. The carrier frequency must be maintained within 0.0005 percent and the authorized bandwidth may not exceed 3 kHz.

(13) This band is available to stations operating in this service subject to the provisions of § 90.259.

(14) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Public Safety and Land Transportation Radio Services where they are assigned for land mobile operations.

(15) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi) of the proposed base station. Applications for this frequency must be coordinated with all five services.

(16) Subpart L contains rules for assignment of frequencies in the 470–512 MHz band.

(17) Subpart M contains rules for assignment of frequencies in the 806–821 and 851–866 MHz bands.

(18) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by part 94 of this chapter.

(19) This frequency band is available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(20) Use of this frequency is limited to developmental operation and is subject to the provisions of subpart P.

(21) This frequency is available on a shared basis with the Local Government, Petroleum, Forest Products, Special Industrial, Business and Manufacturers Radio Services for remote control and telemetry operations.

(22) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 dB. Omnidirectional antennas having unity gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

(23) The maximum effective radiated power (ERP) may not exceed 20 watts for fixed stations and 2 watts for mobile stations. The height of the antenna system may not exceed 15.24 meters (50 ft.) above the ground. All such operation is on a secondary basis to adjacent channel land mobile operations.

(e) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253.)

(1) Frequencies may be substituted for those available below 25 MHz in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0–74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(4) Persons eligible under the provisions of subparagraph (a)(2) of this section who are engaged in the distribution of natural gas directly to consumers and who have a substantial requirement for mobile service communication with a gas supplier may be authorized to operate on the Petroleum Radio Service frequency or frequencies assigned to the supplier. However, such operation shall be limited to communications in a local area common to both parties, and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas supplier which concurs in the need for such intercommunication and consents to the use by the natural gas distributor of the frequency or frequencies involved.

(f) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247 notwithstanding this limitation.

(2) Frequencies in the ranges 30.56–30.57 MHz, 35.00–35.01 MHz, 35.99–36.00 MHz, and 37.00–37.01 MHz are available for developmental operation by applicants in this service subject to the provisions of subpart P, notwithstanding this limitation.

(3) Frequencies in the 25–50 MHz, 150–170 MHz, and 450–512 MHz bands, and the frequency bands 903–904 MHz, 904–912 MHz, 918–926 MHz, and 926–927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.65 Petroleum radio service.

(a) *Eligibility.* Persons primarily engaged in prospecting for, producing, collecting, refining, or transporting by means of pipeline, petroleum or petroleum products (including natural gas) are eligible to hold authorizations in the Petroleum Radio Service to operate radio stations for transmissions of communications essential to such activities of the licensee: However, persons engaged solely in the containment or cleanup of oil spills will only be assigned those frequencies designated by limitations (30) and (31) in this section.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Petroleum Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (c) of this section:

Petroleum Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
1614	Base or mobile	1,2,3,4
1628	do	1, 2, 3, 4
1652	do	1, 2, 3, 4
1676	do	1, 2, 3, 4
1700	do	1, 2, 3, 4
2292	do	1, 2, 3, 5
2398	do	1, 2, 4, 5
4637.5	do	1, 2, 4, 5
Megahertz:		
25.02	do	3, 4
25.04	do	6
25.06	do	3, 4
25.08	do	6, 7
25.10	do	3, 4
25.12	do	
25.14	do	3, 4, 7
25.16	do	
25.18	do	3, 4
25.20	do	
25.22	do	4, 5
25.24	do	
25.26	do	4, 5
25.28	do	
25.30	do	4, 5
25.32	do	
30.66	do	4, 5, 8
30.70	do	4, 5
30.74	do	4, 5, 8
30.78	do	4, 5
30.82	do	4, 5, 8
33.18	do	
33.20	do	
33.22	do	
33.24	do	
33.26	do	
33.28	do	
33.30	do	
33.32	do	
33.34	do	
33.36	do	
33.38	do	
36.25	do	9
41.71	do	9
48.56	do	10
48.58	do	10
48.60	do	10
48.62	do	10
48.64	do	10
48.66	do	10
48.68	do	10
48.70	do	10
48.72	do	10
48.74	do	10
48.76	do	10
48.78	do	10
48.80	do	10
48.82	do	10
48.84	do	10
48.86	do	10
48.88	do	10
48.90	do	10

Petroleum Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
48.92	do	10
48.94	do	10
48.96	do	10
48.98	do	10
49.00	do	10
49.02	do	10
49.04	do	10
49.06	do	10
49.08	do	10
49.10	do	10
49.12	do	10
49.14	do	10
49.16	do	10
49.18	do	10
49.20	do	10
49.22	do	10
49.24	do	10
49.26	do	10
49.28	do	10
49.30	do	10
49.32	do	10
49.34	do	10
49.36	do	10
49.38	do	10
49.40	do	10
49.42	do	10
49.44	do	10
49.46	do	10
49.48	do	10
49.50	do	10
72 to 76	Operational fixed	11
150.980	Base or mobile	6
153.035	do	12
153.050	do	12
153.065	do	4, 5, 13
153.080	do	4, 5, 13
153.095	do	4, 5, 13
153.110	do	4, 5, 13
153.125	do	4, 5, 13
153.140	do	4, 5, 13
153.155	do	4, 5, 13
153.170	do	4, 5, 13
153.185	do	4, 5, 13
153.200	do	4, 5, 13
153.215	do	4, 5, 13
153.230	do	4, 5, 13
153.245	do	4, 5, 13
153.260	do	4, 5, 13
153.275	do	4, 5, 13
153.290	do	4, 5, 13
153.305	do	4, 5, 13
153.320	do	4, 5, 13
153.335	do	4, 5, 13
153.350	do	4, 5, 13
153.365	do	13
153.380	do	13
153.395	do	13
153.425	do	14
153.440	do	10, 15
153.455	do	14
153.485	do	14
153.500	do	10, 15
153.515	do	14
153.545	do	14
153.560	do	10, 15
153.575	do	14
153.605	do	14
153.620	do	10, 15
153.635	do	14
153.665	do	14
153.680	do	10, 15
154.45625	Fixed or mobile	16, 18, 24, 34
154.46375	do	16, 18, 24, 35, 36
154.47125	do	16, 18, 24, 35
154.47875	do	16, 18, 24, 34
154.585	Mobile	6, 19
158.145	Base or mobile	6, 19
158.160	do	10, 21
158.175	do	20
158.205	do	20
158.220	do	10, 21
158.235	do	20
158.265	do	20
158.280	do	13
158.295	do	13
158.310	do	13

Petroleum Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
158.325	do	13
158.355	do	10
158.370	do	4, 5, 10
158.415	do	13
158.430	do	4, 5, 13
158.445	Mobile	6, 22
159.480	Base of mobile	6
169.172	Operational fixed..	23
173.20375	Fixed or mobile	16, 18, 24, 25
173.2100	do	16, 24, 25, 35
173.2375	do	16, 18, 24, 34
173.250	Base or mobile	10, 21
173.2625	Fixed or mobile	16, 18, 24, 34
173.2875	do	16, 18, 24, 34
173.300	Base or mobile	10, 21
173.3125	Fixed or mobile	16, 18, 24, 34
173.3375	do	16, 18, 24, 34
173.350	Base or mobile	10, 21
173.3625	Fixed or mobile	16, 18, 24, 34
173.3900	do	16, 24, 25, 35
173.39625	do	16, 18, 24, 35
216–220	Base or mobile	26
406.413	Operational fixed..	23
450–470	Fixed	27
451.175	Base or mobile	28
451.225	do	28
451.275	do	28
451.375	do	28
451.425	do	28
451.475	do	28
451.525	do	28
451.550	Base or mobile	4, 5, 10
451.575	do	28
451.600	do	4, 5, 10
451.625	do	28
451.650	do	4, 5, 10
451.675	do	28
451.700	do	4, 5, 10
451.750	do	4, 5, 10
454.000	do	6
456.175	Mobile	28
456.225	do	28
456.275	do	28
456.375	do	28
456.425	do	28
456.475	do	28
456.525	do	28
456.550	do	10
456.575	do	28
456.600	do	10
456.625	do	28
456.650	do	10
456.675	do	28
456.700	do	10
456.750	do	10
459.000	Base or mobile	6
462.475	do	28
462.525	do	28
467.475	Mobile	28
467.525	do	28
470 to 512	Base or mobile	29
806–821	Mobile only	30
851–866	Base or mobile	30
952 and above	Operational fixed..	31
1427 to 1435	Operational fixed, base or mobile.	26
2450 to 2500	Base or mobile	32
8400 to 8500	do	33
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) Frequencies below 25 MHz will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 MHz will not need the operational requirements of the applicant.

(2) Use of this frequency is limited to an amplitude modulation mode of operation.

(3) This frequency is available for assignment only to stations utilized for geophysical purposes.

(4) Geophysical operations may use tone or impulse signaling for purposes other than indicating failure of equipment or abnormal conditions on this frequency. All such tone or impulse signaling shall be on a secondary basis and subject to the following limitations:

(i) Maximum duration of a single nonvoice transmission, may not exceed 3 minutes.

(ii) The bandwidth utilized for secondary tone or impulse signaling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(iii) Frequency loading resulting from the use of secondary tone or impulse signaling will not be considered in whole or in part, as a justification for authorizing additional frequencies in the licensee's mobile service system.

(iv) The maximum transmitter output power for tone or impulse transmissions shall not exceed 50 watts.

(5) This frequency is available for assignment to geophysical stations on a secondary basis to other petroleum licensees. Geophysical stations must cease operations on this frequency immediately upon receiving notice that interference is being caused to mobile service stations.

(6) This frequency is primarily available for oil spill containment and cleanup operations and for training and drills essential in the preparations for the containment and cleanup of oil spills. It is secondarily available for general base-mobile operations in the Petroleum Radio Service on a noninterference basis. Secondary users of this frequency are required to forego its use should oil spill containment and cleanup activities be present in their area of operation or upon notice by the Commission or a primary user that harmful interference is being caused to oil spill containment or cleanup activities in other areas.

(7) Operation on this frequency is secondary to stations in the maritime mobile service operating in accordance with the International table of frequency allocations.

(8) This frequency is shared with the Motor Carrier Radio Service.

(9) This Government frequency is available for shared Government/non-Government use by stations engaged in oil spill containment and cleanup operations and for training and drills essential in the preparation for containment and cleanup of oil spills. Such use will be confined to inland and coastal waterways.

(10) This frequency is shared with the Forest Products Radio Service.

(11) The frequencies available for use at operational fixed stations in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services, and are available only in accordance with the provisions of § 90.257.

(12) This frequency is shared with the Special Industrial Radio Service.

(13) This frequency is shared with the Forest Products and Manufacturers Radio Services.

(14) This frequency is shared with Power and Forest Products Radio Services and is available in this service only in the States of Arkansas, Louisiana, Oklahoma, and Texas. Elsewhere this frequency is available in the Power Radio Service.

(15) This frequency is available for assignment in this service only in the States of Arkansas, Louisiana, Oklahoma, and Texas. Elsewhere this frequency is available in the Power Radio Service.

(16) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 dB. Omnidirectional antennas having unity gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

(17) This frequency band is shared with the Special Industrial Radio Service.

(18) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 2.8 kHz and the maximum deviation may not exceed 2.5 kHz. For AM transmitters the highest modulating frequency may not exceed 2 kHz. The carrier frequency must be maintained within 0.0005 percent of the center of the frequency band, and the authorized bandwidth may not exceed 6 kHz.

(19) This frequency is limited to a maximum power of 20 watts.

(20) This frequency is shared with Power and Forest Products Radio Services and is available in this service only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington. Elsewhere, this frequency is available only in the Power Radio Service.

(21) This frequency is available for assignment in this service only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington. Elsewhere, it is available in the Power Radio Service.

(22) This frequency is limited to a maximum output power of 75 watts.

(23) This frequency will be assigned only for transmitting hydrological or meteorological data in accordance with the provisions of § 90.265.

(24) This frequency band is shared with Power, Forest Products, Special Industrial, Petroleum, Manufacturers, Business, and with the Local Government Radio Service.

(25) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 1.7 kHz and the maximum deviation may not exceed 1.2 kHz. For AM transmitters the highest modulating frequency may not exceed 1.2 kHz. The carrier frequency must be maintained within 0.0005 percent, and the authorized bandwidth may not exceed 3 kHz.

(26) This band is available to stations operating in this service subject to the provisions of § 90.259.

(27) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Public Safety and Land Transportation Radio Services where they are assigned for land mobile operations.

(28) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450-470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station.

(29) Subpart L contains rules for assignment of frequencies in the 470-512 MHz band.

(30) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(31) Assignment of frequencies to operational-fixed stations in the bands 952 MHz and above is governed by part 94 of this chapter.

(32) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(33) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(34) The maximum effective radiated power (ERP) may not exceed 20 watts for fixed stations and 2 watts for mobile stations. The height of the antenna system may not exceed 15.24 meters (50 feet) above ground. All such operation is on a secondary basis to adjacent channel land mobile operations.

(35) The maximum output power of the transmitter may not exceed 50 watts for fixed stations and 1 watt for mobile stations. A1, A2, A9, F1, F2, or F9 emission may be authorized.

(36) Use of this frequency is limited to stations located at least 120.7 km. (75 miles) from the center of an urbanized areas of 200,000 or more population (U.S. Census of Population, 1970). Operation is on a secondary basis to that in the Power Radio Service.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253.)

(1) Frequencies may be substituted for those available below 25 MHz in accordance with the provisions of § 90.255.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available for assignment in accordance with § 90.255.

(3) Frequencies in the band 73.0-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(4) Persons eligible in this service who are engaged in the transporation of natural gas by pipeline and who have a substantial requirement for mobile service communication with a public utility company purchasing such gas for distribution to the consumer may be authorized to operate on the Power Radio Service frequency or frequencies assigned to such distributor(s). However, such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas distributor which concurs in the need for such intercommunication, and consents to the use by the natural gas supplier or the frequencies involved.

(e) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247 not withstanding this limitation.

(2) Frequencies in the ranges 30.56-30.57 MHz, 30.00-35.01 MHz, 35.99-36.00 MHz, and 37.00-37.01 MHz are available for developmental operation by applicants in this service subject to the provisions of subpart P notwithstanding this limitation.

(3) Authorizations for multiple frequencies for geophysical operations will be granted on the frequencies governed by the limitations in subparagraphs, (c)(3) and (c)(4) of this section notwithstanding this limitation. However, each geophysical exploration party may only use a maximum of four frequencies at any one time.

(4) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.67 Forest Products Radio Service.

(a) *Eligibility.* Persons primarily engaged in any of the following activities are eligible to hold authorizations in the Forest Products Radio Service to operate radio stations for transmission of communications essential to such activities of the licensee:

(1) Tree logging, tree farming, or related woods operations, including related hauling activities, if the hauling activities are performed under contract to, and exclusively for, persons engaged in woods operations;

(2) Manufacturing lumber, plywood, hardboard, or pulp and paper products from wood fiber by persons eligible under the provisions of subparagraph (1) of this paragraph.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Forest Products Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (c) of this section:

Forest Products Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
1676	Base or mobile	1
1700	do	1
2398	do	1
Megahertz:		
29.71	do	
29.73	do	
29.75	do	
29.77	do	
29.79	do	
30.68	do	
30.72	do	
37.44	do	
37.88	do	
48.56	do	2
48.58	do	2
48.60	do	2
48.62	do	2
48.64	do	2
48.66	do	2
48.68	do	2
48.70	do	2
48.72	do	2
48.74	do	2
48.76	do	2
48.78	do	2

Forest Products Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
48.80	do	2
48.82	do	2
48.84	do	2
48.86	do	2
48.88	do	2
48.90	do	2
48.92	do	2
48.94	do	2
48.96	do	2
48.98	do	2
49.00	do	2
49.02	do	2
49.04	do	2
49.06	do	2
49.08	do	2
49.10	do	2
49.12	do	2
49.14	do	2
49.16	do	2
49.18	do	2
49.20	do	2
49.22	do	2
49.24	do	2
49.26	do	2
49.28	do	2
49.30	do	2
49.32	do	2
49.34	do	2
49.36	do	2
49.38	do	2
49.40	do	2
49.42	do	2
49.44	do	2
49.46	do	2
49.48	do	2
49.50	do	2
49.54	do	3
49.58	do	3
72-76	Operational fixed	4
152.465	Base or mobile	24
152.480	Base or mobile	5
153.050	do	6
153.065	do	6
153.080	do	6
153.095	do	6
153.110	do	6
153.125	do	6
153.140	do	6
153.155	do	6
153.170	do	6
153.185	do	6
153.200	do	6
153.215	do	6
153.230	do	6
153.245	do	6
153.260	do	6
153.275	do	6
153.290	do	6
153.305	do	6
153.320	do	6
153.335	do	6
153.350	do	6
153.365	do	6
153.380	do	6
153.395	do	6
153.425	do	7
153.440	do	2, 8
153.455	do	7
153.485	do	7
153.500	do	2, 8
153.515	do	7
153.545	do	7
153.560	do	2, 8
153.575	do	7
153.605	do	7
153.620	do	2, 8
153.635	do	7
153.665	do	7
153.680	do	2, 8
154.45625	Fixed or mobile	13, 14, 25, 27
154.46375	do	13, 14, 24, 25, 27
154.47125	do	13, 14, 24, 25
154.47875	do	13, 14, 25, 27
154.570	Mobile	9
154.600	do	9
154.625	Base or mobile	5

Forest Products Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
157.725	Base or mobile	24
157.740	do	5
158.145	do	10
158.160	do	2, 11
158.175	do	10
158.205	do	10
158.220	do	2, 11
158.235	do	10
158.265	do	10
158.280	do	6
158.295	do	6
158.310	do	6
158.325	do	6
158.355	do	2
158.370	do	2
158.415	do	6
158.430	do	6
158.460	do	5
169.172	Operational fixed	12
173.20375	Fixed or mobile	13, 14, 24, 25
173.2100	do	13, 15, 24, 25
173.2375	do	13, 14, 25, 27
173.250	Base or mobile	2, 11
173.2625	Fixed or mobile	13, 14, 25, 27
173.2875	do	13, 14, 25, 27
173.300	Base or mobile	2, 11
173.3125	Fixed or mobile	13, 14, 25, 27
173.3375	do	13, 14, 25, 27
173.350	Base or mobile	2, 11
173.3625	Fixed or mobile	13, 14, 25, 27
173.3900	do	13, 15, 24, 25
173.39625	do	13, 14, 24, 25
216-220	Base or mobile	16
406-413	Operational fixed	12
450-470	Fixed	17
451.175	Base or mobile	18
451.225	do	18
451.275	do	18
451.375	do	18
451.425	do	18
451.475	do	18
451.525	do	18
451.550	do	2
451.575	do	18
451.600	do	2
451.625	do	18
451.650	do	2
451.675	do	18
451.700	do	2
451.750	do	2
456.175	Mobile	18
456.225	do	18
456.275	do	18
456.375	do	18
456.425	do	18
456.475	do	18
456.525	do	18
456.550	do	2
456.575	do	18
456.600	do	2
456.625	do	18
456.650	do	2
456.675	do	18
456.700	do	2
456.750	do	2
462.475	Base or mobile	18
462.525	do	18
467.475	Mobile	18
467.525	do	18
470-512	Base or mobile	19
806-821	Mobile	20
851-866	Base or mobile	20
952 and above	Operational fixed	21
1427-1435	Operational fixed, base or mobile.	16
2450-2500	Base or mobile	22
8400-8500	do	23
10,550-10,680	do	

(c) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (b) of this section:

(1) Frequencies below 25 MHz will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 MHz will not meet the operational requirements of the applicant.

(2) This frequency is shared with the Petroleum Radio Service.

(3) This frequency is shared with the Special Industrial Radio Service.

(4) The frequencies available for use at operational fixed stations in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(5) This frequency is available in this service and in the Special Industrial Radio Service on a secondary basis to one-way paging communications authorized in the Business Radio Service.

(6) This frequency is shared with the Petroleum and Manufacturers Radio Services.

(7) This frequency is shared with the Power and Petroleum Radio Service and is available in this service only in the States of Arkansas, Louisiana, Oklahoma, and Texas. Elsewhere it is available in the Power Radio Service.

(8) This frequency is available for assignment in this service, only in the States of Arkansas, Louisiana, Oklahoma, and Texas. Elsewhere, this frequency is available in the Power Radio Service.

(9) Authorizations to operate on this frequency will be issued for A2 or F2 emission for tone signaling or for a combination of such emission with A3 or F3 emission with a maximum bandwidth of 20 kHz. The output power shall not exceed 2 watts. The maximum distance between any transmitter and the center of the radiating portion of its antenna shall not exceed 8 m. (25 ft.) Operation on this frequency is secondary to stations in the Business Radio Service.

(10) This frequency is shared with Power and Petroleum Radio Services and is available in this service only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

(11) This frequency is available for assignment in this service, only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington. Elsewhere it is available in the Power Radio Service.

(12) This frequency will be assigned only for transmitting hydrological or meteorological data in accordance with the provisions of § 90.265.

(13) This frequency is available on a shared basis with the Local Government, Power, Petroleum, Special Industrial, Business, and Manufacturers Radio Services for remote control and telemetry operations.

(14) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 2.8 kHz and the maximum deviation may not exceed 2.5 kHz. For AM transmitters the highest modulating frequency may not exceed 2 kHz. The carrier frequency must be maintained within 0.0005 percent and the authorized bandwidth may not exceed 6 kHz.

(15) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 1.7 kHz and the maximum deviation may not exceed 1.2 kHz. For AM transmitters the highest modulating frequency may not exceed 1.2 kHz. The carrier frequency must be maintained within 0.0005 percent and the authorized bandwidth may not exceed 3 kHz.

(16) This band is available to stations in this service subject to the provisions of § 90.259.

(17) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.281. Operation on these frequencies is secondary to stations in the Public Safety and Land Transportation Radio Services where they are assigned for land mobile operations.

(18) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequencies in the 450-470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station. Applications for this frequency must be coordinated with all five services.

(19) Subpart L contains rules for assignment of frequencies in the 470-512 MHz band.

(20) Subpart M contains rules for assignment of frequencies in the 806-821 MHz and 851-866 MHz bands.

(21) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by Part 94 of this Chapter.

(22) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(23) Use of this frequency band is limited to developmental operation and is subject to the provisions of Subpart P.

(24) The maximum output power of the transmitter may not exceed 50 watts for fixed stations and 3 watts for mobile stations. A1, A2, A9, F1, F2, or F9 emission may be authorized.

(25) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 db. Omnidirectional antennas having unity gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

(26) Use of this frequency is limited to stations located at least 120.7 km (75 miles) from the center of any urbanized area of 200,000 or more population (U.S. Census of Population, 1970). Operation is on a secondary basis to that in the Power Radio Service.

(27) The maximum effective radiated power (ERP) may not exceed 20 watts for fixed stations and 2 watts for mobile stations. The height of the antenna system may not exceed 15.24 meters (50 feet) above ground. All such operation is on a secondary basis to adjacent land mobile operations.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service (See also § 90.253.)

(1) Frequencies may be substituted for those available below 25 MHz in accordance with the provisions of § 90.253.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(e) *Limitation on number of frequencies assignable.* Normally only one frequency or pair of frequencies in the pair frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with Operation of mobile repeaters in accordance with § 90.247 notwithstanding this limitation.

(2) Frequencies in the ranges 30.56-30.57 MHz, 35.00-35.01 MHz, 35.99-36.00 MHz, and 37.00-37.01 MHz are available for developmental operation by applicants in this service subject to the provisions of Subpart P notwithstanding this limitation.

(3) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operations of Automatic Vehicle Monitoring (AVM) systems in accordance with

§ 90.239, notwithstanding this limitation.

§ 90.69 Motion Picture Radio Service

(a) *Eligibility.* Persons primarily engaged in the production or filming of motion pictures are eligible to hold authorizations in the Motion Picture Radio Service to operate radio stations for transmission of communications essential to such activities of the licensee.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Motion Picture Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (c) of this section:

Motion Picture Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
1628	Base or mobile	1
1652	do	1
2292	do	1
2398	do	1
4637.5	do	1
Megahertz:		
72 to 76	Operational fixed	2
152.87	Base or mobile	3
152.90	do	3
152.93	do	3
152.96	do	3
152.99	do	3
153.02	do	3
173.225	do	4
173.275	do	4
173.325	do	4
173.375	do	4
806 to 821	Mobile	5
851 to 866	Base or mobile	5
952 and above	Operational fixed	6
1427 to 1435	Base, mobile or operational fixed.	7
2450 to 2500	Base or mobile	8
8400 to 8500	do	9
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) Frequencies below 25 MHz will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 MHz will not meet the operational requirements of the applicant.

(2) The frequencies available for use at operational fixed stations in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(3) This frequency is shared with the Special Industrial Radio Service.

(4) This frequency is shared with the Relay Press Radio Service.

(5) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(6) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by Part 94 of this chapter.

(7) This band is available in this service subject to the provisions of § 90.259.

(8) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical (ISM) devices.

(9) Use of this frequency band is limited to developmental operation and is subject to the provisions of Subpart P.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service.

(1) Frequencies may be substituted for those available below 25 MHz in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(e) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247, notwithstanding this limitation.

(2) Frequencies in the ranges 30.56-30.57 MHz, 35.00-35.01 MHz, 35.99-36.00 MHz, and 37.00-37-01 MHz are available for assignment for developmental operation by applicants in this service subject to the provisions of Subpart P notwithstanding this limitation.

(3) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz, may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.71 Relay Press Radio Service.

(a) *Eligibility.* Persons primarily engaged in the publication of a newspaper or in the operation of an established press association are eligible to hold authorizations in the Relay Press Radio Service to operate radio stations for transmission of communications essential to such activities of the licensee.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Relay Press Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (c) of this section:

Relay Press Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
72.0 to 76.0	Operational fixed	1
173.225	Base or mobile	2
173.275	do	2
173.325	do	2
173.375	do	2
452.975	do	
453.000	do	
457.975	Mobile	
458.000	do	
806 to 821	do	3
851 to 866	Base or mobile	3
952 and above	Operational fixed	4
1427 to 1435	Operational fixed, base or mobile.	5
2450 to 2500	Base or mobile	6
8400 to 8500	do	7
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) The frequencies available in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(2) This frequency is shared with the Motion Picture Radio Service.

(3) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(4) Assignment of frequencies for operational fixed stations in the bands 952 MHz and above is governed by Part 94 of this Chapter.

(5) This band is available in this service subject to the provisions of § 90.259.

(6) Available only on a shared basis with stations in other services and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(7) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section the following frequencies are available in this service. (See § 90.253.)

(1) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(2) Frequencies in the band 73-74.6 MHz may be assigned to stations au-

thorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(e) *Limitation on number of frequencies assignable.* Normal only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single application in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247 notwithstanding this limitation.

(2) Frequencies in the ranges 30.56-30.57 MHz, 35.00-35.01 MHz, 35.99-36.00 MHz, and 37.00-37.01 MHz are available for assignment to applicants in this service subject to the provisions of subpart P notwithstanding this limitation.

(3) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.73 Special industrial radio service.

(a) *Eligibility.* Persons regularly engaged in any of the following activities are eligible to hold authorizations in the Special Industrial Radio Service to operate radio stations for the transmission of only those communications essential to such activities of the licensee. (Persons engaging in some activities which are eligible under this paragraph and in some which are not, and desiring to use radio in connections with both types of activities should apply for authorization in the Business Radio Service.)

(1) The operation of farms, ranches, or similar land areas, for the quantity production of crops or plants; vines or trees (excluding forestry operations); or for the keeping, grazing or feeding of livestock for animal products, animal increase, or value enhancement. Persons establishing eligibility under this subparagraph may use their radio facilities in connection with the gathering or processing of products grown or raised for them by others.

(2) Plowing, soil conditioning, seeding, fertilizing, or harvesting for agricultural activities.

(3) Spraying or dusting of insecticides, herbicides, or fungicides, in areas other than enclosed structures.

(4) Livestock breeding service.

(5) The operation of a commercial business regularly engaged in the construction of roads, bridges, sewer systems, pipelines, airfields, or water, oil, gas, or power production, collection, or distribution systems. Other engineering projects, normally classified as heavy construction activities, will be considered on the merits of the showing made, however, the construction of buildings is not included in this category.

(6) The operation of mines for the recovery of solid fuels, minerals, metal, rock, sand and gravel from the earth or the sea, including the exploration for and development of mining properties.

(7) Maintaining, patrolling or repairing gas or liquid transmission pipelines, tank cars, water or waste disposal wells, industrial storage tanks, or distribution systems of public utilities. Persons establishing eligibility under this subparagraph may use their radio facilities in connection with the containment and cleanup of industrial liquid spillage.

(8) Acidizing, cementing, logging, perforating, or shooting activities, and services of a similar nature incident to the drilling of new oil or gas wells, or the maintenance of production from established wells.

(9) Supplying chemicals, mud, tools, pipe, and other materials or equipment unique to the petroleum and gas production industry, as the primary activity of the applicant if delivery, installation or application of these materials requires the use of specifically fitted conveyances.

(10) The delivery of ice or fuel to the consumer for heating, lighting, refrigeration or power generation purposes, by means other than pipelines or railroads when such products are not to be resold following their delivery. Persons establishing eligibility under this subparagraph may use their radio facilities in connection with the servicing of the equipment that uses or consumes the products delivered.

(11)The delivery and pouring of ready mixed concrete or hot asphalt mix.

(b) *Special limitation on use of service.* Communications relating to any of the following shall not be transmitted by any station licensed in the Special Industrial Radio Service.

(1) Sales reports or the dispatching of salesmen;

(2) Payrolls, accounts, or inventory controls; and

(3) Any message relating to the retail delivery of any item or product, except where such retail delivery is specifically included in the eligibility provisions of this section.

(c) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Special Industrial Radio Service together with the class of station(s) to which they are normally assigned, and the specific assignment limitations which are explained in paragraph (d) of this section.

Special Industrial Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
2292	Base or mobile	1
2398	do	1
4637.5	do	1
Megahertz:		
27.69	do	
27.31	do	
27.33	do	
27.35	do	
27.37	do	
30.58	do	2
30.60	do	2
30.62	do	2
30.64	do	
31.28	do	
31.32	do	
31.30	do	
31.36	do	
31.40	do	
31.44	do	
31.48	do	
31.52	do	
31.56	do	
31.60	do	
31.64	do	
31.68	do	
31.72	do	
31.76	do	
31.80	do	
31.84	do	
31.88	do	
31.92	do	
31.96	do	
33.12	Mobile	3
35.28	Base or mobile	
35.32	do	
35.36	do	
35.40	do	
35.44	do	
35.48	do	
35.52	do	
35.74	do	2
35.76	do	2
35.78	do	2
35.80	do	2
35.82	do	2
35.84	do	2
35.86	do	2
43.02	do	
43.04	do	4
43.06	do	
43.08	do	
43.10	do	
43.12	do	
43.14	do	
43.18	do	2
43.28	do	
43.32	do	
43.36	do	
43.40	do	
43.44	do	
43.48	do	
43.52	do	
47.44	do	2
47.48	do	2
47.52	do	2
47.56	do	2
47.60	do	2
47.64	do	2
47.68	do	2
49.52	do	
49.54	do	5
49.56	do	2
49.58	do	5
72.76	Operational fixed	6
72.44	Mobile	7
72.48	do	7
72.52	do	7
72.56	do	7

Special Industrial Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
72.60	....do	7
75.44	....do	7
75.48	....do	7
75.52	....do	7
75.56	....do	7
75.60	....do	7
151.490	Base or mobile	2, 8
151.505	....do	4
151.520	....do	2
151.535	....do	2
151.550	....do	2
151.565	....do	2
151.580	....do	2
151.595	....do	2
152.48	....do	2, 9
152.870	....do	10
152.885	....do	2
152.900	....do	2, 10
152.915	....do	2
152.930	....do	2, 10
152.945	....do	2
152.960	....do	2, 10
152.975	....do	2
152.990	....do	2, 9
153.005	....do	2
153.020	....do	2, 9
153.035	....do	2, 11
154.45625	Fixed or mobile	12, 13, 15, 25
154.46375	....do	12, 13, 15, 26, 27
154.47125	....do	12, 13, 15, 27
154.47875	....do	12, 13, 15, 25
154.49	Base or mobile	2
154.625	....do	2, 9
157.74	....do	2, 9
158.385	....do	2
158.400	....do	4
158.46	....do	2, 9
169 to 172	Operational fixed	14
173.20375	Fixed or mobile	12, 13, 15, 27
173.2100	....do	12, 15, 16, 27
173.2375	....do	12, 13, 15, 25
173.2625	....do	12, 13, 15, 25
173.2875	....do	12, 13, 15, 25
173.3125	....do	12, 13, 15, 25
173.3375	....do	12, 13, 15, 25
173.3625	....do	12, 13, 15, 25
173.3900	....do	12, 15, 16, 27
173.39625	....do	12, 13, 15, 27
216 to 220	Base or mobile	17
406-413	Operational fixed	14
450 to 470	Fixed	18
451.725	Base or mobile	2
451.775	....do	2
451.800	Operational fixed, base or mobile.	4, 19
451.825	Base or mobile	2
451.850	....do	2
451.875	....do	2
451.900	....do	2
451.925	....do	2
451.950	....do	2
451.975	....do	2
452.000	....do	2
452.025	....do	2
452.075	....do	2
452.125	....do	2
452.175	....do	2
456.725	Mobile	2
456.775	....do	2
456.800	Operational fixed, base or mobile.	4, 19
456.825	Mobile	2
456.850	....do	2
456.875	....do	2
456.900	....do	2
456.925	....do	2
456.950	....do	2
456.975	....do	2
457.000	....do	2
457.025	....do	2
457.075	....do	2
457.125	....do	2
457.175	....do	2
470 to 512	Base or mobile	20
806 to 821	Mobile	21
851 to 866	Base or mobile	21
952 and above	Operational fixed	2
1427 to 1435	Operational fixed, base or mobile.	17
2450 to 2500	Base or mobile	23
8400 to 8500	....do	24
10,550 to 10,680	....do	

(d) Explanation of assignment limitations appearing in the frequency table of paragraph (c) of this section:

(1) Frequencies below 25 MHz will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 MHz will not meet the operational requirements of the applicant.

(2) This frequency will be assigned only for operation in a permanent area, normally within 120 km (75 mi.) of a specified reference point.

(3) Operation on this frequency is limited to a maximum output of 2 watts; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may provide the operational functions of a base or fixed station, on a secondary basis to mobile service operations provided that the separation between the control point and the center of the radiating portion of the antenna of any units so used does not exceed 25 feet (7.6 m).

(4) This frequency will be assigned only to stations used in itinerant operations.

(5) This frequency is shared with the Forest Products Radio Service.

(6) The frequencies available in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(7) This frequency is available on a shared basis in the Manufacturers, Special Industrial, and Railroad Radio Services and interservice coordination is required. All communications must be conducted within the boundaries or confines of plant, factory, shipyard, mill, mine, farm, ranch, or construction area. All operations on this frequency are subject to the provisions of § 90.257(b).

(8) This frequency is not available to stations in Puerto Rico or the Virgin Islands. Elsewhere, this frequency is shared with the Forestry-Conservation Radio Service and interservice coordination is required.

(9) This frequency is available in this service and in the Forest Products Radio Service on a secondary basis to one-way paging communications authorized in the Business Radio Service.

(10) This frequency is shared with the Motion Picture Radio Service.

(11) This frequency band is shared with the Petroleum Radio Service.

(12) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 dB. Omnidirectional antennas having unity gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

(13) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 2.8 kHz and the maximum frequency deviation may not exceed 2.5 kHz. For AM transmitters, the highest modulating frequency may not exceed 2.0 kHz. The carrier frequency must be maintained within 0.0005 percent and the authorized bandwidth may not exceed 6 kHz.

(14) This frequency will be assigned only for transmitting hydrological or meteorological data in accordance with the provisions of § 90.265.

(15) This frequency band is shared with the Power, Forest Products, Special Industrial, Petroleum, Manufacturers, Business, and the Local Government Radio Services for remote control and telemetry operations.

(16) For FM transmitters the sum of the highest modulation frequency and the amount of frequency deviation may not exceed 1.7 kHz and the maximum deviation may not exceed 1.2 kHz. For AM transmitters the highest modulating frequency may not exceed 1.2 kHz. The carrier frequency must be maintained within 0.0005 percent and the authorized bandwidth may not exceed 3 kHz.

(17) This frequency band is available to stations in the service subject to the provisions of § 90.259.

(18) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Public Safety and Land Transportation Radio Services where they are assigned for land mobile operations.

(19) Operational fixed assignments on this frequency will only be made to an itinerant fixed control or relay station on a secondary basis to land-mobile stations in this service, provided that the fixed relay or control station is to be associated with base and mobile facilities authorized to use other frequencies available for itinerant operation in this service. All such use of these frequencies for fixed systems is limited to locations 161 or more km. (100 mi). from the center of any urbanized area of 200,000 or more population, except that the distance

may be 120 km. (75 mi.) if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. The centers of urbanized areas of 200,000 or more population are determined from the appendix, page 226, of the U.S. Commerce publication, "Air Line Distance Between Cities in the United States." Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, volume 1, table 23, page 1-50.

(20) Subpart L contains rules for assignment of frequencies in the 470-512 MHz band.

(21) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(22) Assignment of frequencies for operational-fixed stations in the bands 952 and above is governed by part 94 of this chapter.

(23) Available only on a shared basis with stations in other services, and subject to no protection form interference due to the operation of industrial, scientific or medical (ISM) devices.

(24) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(25) The maximum effective radiated power (ERP) may not exceed 20 watts for fixed stations and 2 watts for mobile stations. The height of the antenna system may not exceed 15.24 meters (50 feet) above ground. All such operation is on a secondary basis to adjacent channel land mobile operations.

(26) Use of this frequency is limited to stations located at least 120.7 km (75 miles) from the center of any urbanized area of 200, 000 or more population (U.S. Census of Population, 1970). Operation is on a secondary basis to that in the Power Radio Service.

(27) The maximum output power of the transmitter may not exceed 50 watts for fixed stations and 1 watt for mobile stations. A1, A2, A9, F1, F2, or F9 emission may be authorized.

(e) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service: (See also § 90.253)

(1) Frequencies may be substituted for those available below 25 MHz in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(4) The following frequencies are available only in Puerto Rico and the Virgin Islands. These "Base and Mobile" and "Mobile and Only" frequencies are available on a shared basis in the Forestry-Conservation Railroad Radio Services, respectively. These "Mobile Only" frequencies may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station. All applications for the assignment of a new frequency, or to change existing facilities in such a manner as to require frequency coordination as specified in § 90.175, shall be accompanied by evidence of frequency coordination with the sharing service.

Base and mobile:	*Mobile only*
159.240	160.410
159.255	160.425
159.270	160.440
159.285	160.455
159.300	160.470
159.315	160.485
159.330	160.500
159.345	160.515
159.360	160.530
159.375	160.545
159.390	160.560
159.405	160.575
159.420	160.590
159.435	160.605

(5) Land mobile service frequencies above 152 MHz which are listed elsewhere in this part as available to the Petroleum, Forest Products, and Manufacturers Radio Services, are also available, with the exception of the frequency 154.57 MHz, for asssignment in this service for use in Hawaii, Puerto Rico, and the Virgin Islands, subject to the same limitations as apply in the Petroleum Forest Products, and Manufacturers Radio Services. Operation on such frequencies is secondary to stations operating in the Petroleum, Forest Products, or Manufacturers Radio Services and their use will be terminated if they are needed in the areas concerned in any of those services.

(f) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247, notwithstanding this limitation.

Frequencies in the ranges 30.56-30.57 MHz, 35.00-35.01 MHz, 35.99-36.00 MHz and 37.00-37.01 MHz are available for assignment to applicants in this service subject to the provisions of subpart P notwithstanding this limitation.

(3) Authorization for more than one mobile frequency in the band 72-76 MHz will be issued notwithstanding this limitation.

(4) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

(g) *Limitation on itinerant operation.* Base or mobile stations being utilized in itinerant operation will be authorized only on base or mobile frequencies designated for itinerant operation under § 90.73(d)(4).

§ 90.75 Business radio service.

(a) *Eligibility.* Persons primarily engaged in any of the following activities are eligible to hold authorizations in the Business Radio Service to operate stations for transmission of communications necessary to such activities of the licensee:

(1) The operation of a commercial activity.

(2) The operation of educational, philanthropic, or ecclesiastical institutions.

(3) Clergymen activities.

(4) The operation of hospitals, clinics or medical associations.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Business Radio Service together with the class of station(s) to which they are normally assigned, and the specific assignment limitations, which are explained in paragraph (c) of this section.

Business Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
27.39	Base or mobile	
27.41	do	
27.43	do	1, 2
27.45	do	1, 2
27.47	do	1, 2
27.49	do	1, 3
27.51	Mobile	4
27.53	do	4
30.76	Base or mobile	1, 2
30.80	do	1, 2
30.84	Mobile	4, 22
30.88	Base or mobile	1, 2
30.92	do	1, 2
30.96	do	1, 2
31.00	do	1, 2
31.04	do	1, 2
31.16	do	1, 2
31.20	do	1, 2
31.24	do	1, 2
33.14	Mobile	4, 22
33.16	Base or mobile	1, 2
33.40	Mobile	6, 22
35.02	do	4, 22
35.04	Base or mobile	1, 3
35.06	do	1, 2
35.08	do	1, 2

Business Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
35.10	do	1, 2
35.12	do	1, 2
35.14	do	1, 2
35.18	do	1, 2
35.70	do	2
35.72	do	2
35.88	do	1, 2
35.90	do	1, 2
35.92	do	1, 2
35.94	do	
35.96	do	
35.98	do	
42.96	Base or mobile	1, 2
42.98	Mobile	4, 22
43.00	Base or mobile	1, 2
72 to 76	Operational fixed	7
150.815	Base or mobile	8
150.845	do	8
150.875	do	8
150.905	do	8
150.935	do	8
150.965	do	8
150.995	do	8
151.025	do	8
151.055	do	8
151.085	do	8
151.115	do	8
151.145	do	8
151.175	do	8
151.205	do	8
151.235	do	8
151.265	do	8
151.295	do	8
151.325	do	8
151.355	do	8
151.385	do	8
151.415	do	8
151.445	do	8
151.475	do	8
151.625	do	1, 3
151.655	do	1, 2
151.685	do	1, 2
151.715	do	1, 2
151.745	do	1, 2
151.775	do	1, 2
151.805	do	1, 2
151.835	do	1, 2
151.865	do	1, 2
151.895	do	1, 2
151.925	do	
151.955	do	
152.300	do	9
152.360	do	9
152.420	do	9
152.480	Base	10, 11, 12
154.45625	Mobile	18, 19, 36
154.46375	do	18, 19, 35, 37
154.47125	do	18, 19, 35
154.47875	do	18, 19, 36
154.515	Base or mobile	1, 2
154.540	do	1, 2
154.570	Mobile	4, 13, 22
154.600	do	4, 14, 22
154.625	Base	10, 11, 15
157.560	Base or mobile	9
157.620	do	9
157.680	do	9
157.740	Base	10, 11, 12, 16
158.460	do	10, 11, 12, 15
169 to 172	Operational fixed	17
173.20375	Mobile	18, 19, 35
173.2100	do	18, 20, 35
173.2375	do	18, 19, 36
173.2625	do	18, 19, 36
173.2875	do	18, 19, 36
173.3125	do	18, 19, 36
173.3375	do	18, 19, 36
173.3625	do	18, 19, 36
173.3900	do	18, 20, 35
173.39625	do	18, 19, 35
216 to 220	Base or mobile	21
406 to 413	Operational fixed	17
457.525	Mobile	4, 14, 22, 23
457.550	do	4, 14, 22, 23
457.575	do	4, 14, 22, 23
457.600	do	4, 14, 22, 23
460.650	Base or mobile	15, 25, 26
460.675	do	15, 25, 26
460.700	do	15, 25, 26
460.725	do	15, 25, 26
460.750	do	15, 25, 26
460.775	do	15, 25, 26
460.800	do	15, 25, 26
460.825	do	15, 25, 26
460.850	do	15, 25, 26
460.875	do	15, 25, 26
460.900	Base or mobile	1, 27, 39, 40
460.925	do	1, 27, 39, 40
460.950	do	1, 27, 39, 40
460.975	do	1, 28, 39, 40
461.000	do	1, 28, 39, 40
461.025	do	1, 26
461.050	do	1, 26
461.075	do	1, 26
461.100	do	1, 26
461.125	do	1, 26
461.150	do	1, 26
461.175	do	1, 26
461.200	do	1, 26
461.225	do	1, 26
461.250	do	1, 26
461.275	do	1, 26
461.300	do	1, 26
461.325	do	1, 26
461.350	do	1, 26
461.375	do	1, 26
461.400	do	1, 26
461.425	do	1, 26
461.450	do	1, 26
461.475	do	1, 26
461.500	do	1, 26
461.525	do	1, 26
461.550	do	1, 26
461.575	do	1, 26
461.600	do	1, 26
461.625	do	1, 26
461.650	do	1, 26
461.675	do	1, 26
461.700	do	1, 26
461.725	do	1, 26
461.750	do	1, 26
461.775	do	1, 26
461.800	do	1, 26
461.825	do	1, 26
461.850	do	1, 26
461.875	do	1, 26
461.900	do	1, 26
461.925	do	1, 26
461.950	do	1, 26
461.975	do	1, 26
462.000	do	1, 26
462.025	do	1, 26
462.050	do	1, 26
462.075	do	1, 26
462.100	do	1, 26
462.125	do	1, 26
462.150	do	1, 26
462.175	do	1, 26
462.750	Base	10
462.775	do	10
462.800	do	10
462.825	do	10
462.850	do	10
462.875	do	10
462.900	do	10
462.925	do	10
463.200	Base or mobile	1, 26
463.225	do	1, 26
463.250	do	1, 26
463.275	do	1, 26
463.300	do	1, 26
463.325	do	1, 26
463.350	do	1, 26
463.375	do	1, 26
463.400	do	1, 26
463.425	do	1, 26
463.450	do	1, 26
463.475	do	1, 26
463.500	do	1, 26
463.525	do	1, 26
463.550	do	1, 26
463.575	do	1, 26
463.600	do	1, 26
463.625	do	1, 26
463.650	do	1, 26
463.675	do	1, 26
463.700	do	1, 26
463.725	do	1, 26
463.750	do	1, 26
463.775	do	1, 26
463.800	do	1, 26
463.825	do	1, 26
463.850	do	1, 26
463.875	do	1, 26
463.900	do	1, 26
463.925	do	1, 26
463.950	do	1, 26
463.975	do	1, 26
464.000	do	1, 26
464.025	do	1, 26
464.050	do	1, 26
464.075	do	1, 26
464.100	do	1, 26
464.125	do	1, 26
464.150	do	1, 26
464.175	do	1, 26
464.200	do	1, 26
464.225	do	1, 26
464.250	do	1, 26
464.275	do	1, 26
464.300	do	1, 26
464.325	do	1, 26, 29
464.350	do	1, 26
464.375	do	1, 26, 29
464.400	do	1, 26,
464.425	do	1, 26, 29
464.450	do	1, 26
464.475	do	1, 26, 29
464.500	do	1, 3, 36, 30
464.525	do	1, 26, 29
464.550	do	3, 30
464.575	do	1, 26, 29
464.600	do	1, 26
464.625	do	1, 26
464.650	do	1, 26
464.675	do	1, 26, 29
464.700	do	1, 26
464.725	do	1, 26
464.750	do	1, 26
464.775	do	1, 26, 29
464.800	do	1, 26
464.825	do	1, 26, 29
464.850	do	1, 26
464.875	do	1, 26, 29
464.900	do	1, 26
464.925	do	1, 26, 29
464.950	do	1, 26
464.975	do	1, 26, 29
465.000	Base	10, 30
465.650	Mobile	4, 25, 26, 31
465.675	do	4, 25, 26, 31
465.700	do	4, 25, 26, 31
465.725	do	4, 25, 26, 31
465.750	do	4, 25, 26, 31
465.775	do	4, 25, 26, 31
465.800	do	4, 25, 26, 31
465.825	do	4, 25, 26, 31
465.850	do	4, 25, 26, 31
465.875	do	4, 25, 26, 31
465.900	Mobile	1, 27, 39
465.925	do	1, 27, 39
465.950	do	1, 27, 39
465.975	do	1, 28, 39
466.000	do	1, 28, 39
466.025	do	1, 26
466.050	do	1, 26
466.075	do	1, 26
466.100	do	1, 26
466.125	do	1, 26
466.150	do	1, 26
466.175	do	1, 26
466.200	do	1, 26
466.225	do	1, 26
466.250	do	1, 26
466.275	do	1, 26
466.300	do	1, 26
466.325	do	1, 26
466.350	do	1, 26
466.375	do	1, 26
466.400	do	1, 26
466.425	do	1, 26

Business Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
466.450	do	1, 26
466.475	do	1, 26
466.500	do	1, 26
466.525	do	1, 26
466.550	do	1, 26
466.575	do	1, 26
466.600	do	1, 26
466.625	do	1, 26
466.650	do	1, 26
466.675	do	1, 26
466.700	do	1, 26
466.725	do	1, 26
466.750	do	1, 26
466.775	do	1, 26
466.800	do	1, 26
466.825	do	1, 26
466.850	do	1, 26
466.875	do	1, 26
466.900	do	1, 26
466.925	do	1, 26
466.950	do	1, 26
466.975	do	1, 26
467.000	do	1, 26
467.025	do	1, 26
467.050	do	1, 26
467.075	do	1, 26
467.100	do	1, 26
467.125	do	1, 26
467.150	do	1, 26
467.175	do	1, 26
467.750	do	4, 13, 22, 23
467.775	do	4, 13, 22, 23
467.800	do	4, 13, 22, 23
467.825	do	4, 13, 22, 23
467.850	do	4, 13, 22
467.875	do	4, 13, 22
467.900	do	4, 13, 22
467.925	do	4, 13, 22
468.200	do	1, 26
468.225	do	1, 26
468.250	do	1, 26
468.275	do	1, 26
468.300	do	1, 26
468.325	do	1, 26
468.350	do	1, 26
468.375	do	1, 26
468.400	do	1, 26
468.425	do	1, 26
468.450	do	1, 26
468.475	do	1, 26
468.500	do	1, 26
468.525	do	1, 26
468.550	do	1, 26
468.575	do	1, 26
468.600	do	1, 26
468.625	do	1, 26
468.650	do	1, 26
468.675	do	1, 26
468.700	do	1, 26
468.725	do	1, 26
468.750	do	1, 26
468.775	do	1, 26
468.800	do	1, 26
468.825	do	1, 26
468.850	do	1, 26
468.875	do	1, 26
468.900	do	1, 26
468.925	do	1, 26
468.950	do	1, 26
468.975	do	1, 26
469.000	do	1, 26
469.025	do	1, 26
469.050	do	1, 26
469.075	do	1, 26
469.100	do	1, 26
469.125	do	1, 26
469.150	do	1, 26
469.175	do	1, 26
469.200	do	1, 26
469.225	do	1, 26
469.250	do	1, 26
469.275	do	1, 26
469.300	do	1, 26
469.325	do	1, 26
469.350	do	1, 26
469.375	do	1, 26
469.400	do	1, 26
469.425	do	1, 26
469.450	do	1, 26
469.475	do	1, 26
469.500	do	3, 30
469.525	do	1, 26
469.550	do	3, 30
469.575	do	1, 26
469.600	do	1, 26
469.625	do	1, 26
469.650	do	1, 26
469.675	do	1, 26
469.700	do	1, 26
469.725	do	1, 26
469.750	do	1, 26
469.775	do	1, 26
469.800	do	1, 26
469.825	do	1, 26
469.850	do	1, 26
469.875	do	1, 26
469.900	do	1, 26
469.925	do	1, 26
469.950	do	1, 26
469.975	do	1, 26
470 to 512	Base or mobile	32
806 to 821	Mobile	33
851 to 866	Base or mobile	33
952 and above	Operational fixed	34
1427 to 1435	Operational fixed, base or mobile.	21
10,550 to 10,680	Base or mobile	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) Operation on this frequency is limited to a maximum output power of 110 watts.

(2) This frequency will be assigned only for operation in a permanent area, normally within 120 km (75 mi.) of a specified reference point.

(3) This frequency will be assigned only to stations used in itinerant operations.

(4) Operation on this frequency is limited to a maximum output power of 2 watts; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may provide the operational functions of a base or fixed station on a secondary basis to mobile service operations, *Provided*, That the separation between the control point and the center of the radiating portion of the antenna of any units so used does not exceed 8 m (25 ft.).

(5) [Reserved]

(6) Operation on this frequency is limited to a maximum output power of 1 watt and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may provide the operational functions of a base of fixed station on a secondary basis to mobile service operations, *Provided*, That the separation between the control point and the center of the radiating portion of the antenna of any units so used does not exceed 8 m (25 ft.)

(7) The frequencies available in the band 72-76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

(8) Use of this frequency in this service in limited to stations located in Puerto Rico and the Virgin Islands.

(9) This frequency is shared with Taxicab Radio Service and is available for assignment in the Business Radio Service only to stations which are used exclusively in areas outside of Standard Metropolitan Statistical Areas of 50,000 or more population (1950 Census). Operations on this frequency are on a secondary basis to operations in the Taxicab Radio Service.

(10) This frequency is assigned only for one-way paging communications to mobile receivers. Only A2, A3, F2, or F3 emissions may be authorized.

(11) This frequency is also available for base or mobile stations in the Special Industrial and Forest Products Radio Services on a secondary basis to paging operations in the Business Radio Service.

(12) This frequency will not be assigned to stations for use at temporary locations.

(13) This frequency may be used for mobile operation for radio remote control and telemetering functions. A1, A2, F1, or F2 emission may be authorized and mobile stations used to control remote objects or devices may be operated in the continuous carrier transmit mode.

(14) This frequency may be used for mobile operation for radio remote control and telemetering functions. A1, A2, F1, or F2 emission may be authorized. The use of the continuous carrier transmit mode for these purposes is permitted only for stations authorized and continuously licensed since before May 21, 1971.

(15) Operation on this frequency is limited to a maximum output power of 20 watts.

(16) Operation on this frequency is limited to a maximum output power of 75 watts.

(17) This frequency will be assigned only for transmitting hydrological or meteorological data in accordance with the provisions of § 90.265.

(18) This frequency is available on a shared basis with other Industrial Radio Services as follows: Power, Forest Products, Special Industrial, Petroleum, Manufacturers, Business, and the Local Government Radio Service and may be used in this service only for the purpose of remote control and telemetering.

(19) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 2.8 kHz and the maximum frequency deviation may not exceed 2.5 kHz. For AM transmitters the highest modulating frequency may not exceed 2.0 kHz. The carrier frequency must be maintained within

0.0005 percent and the authorized bandwidth may not exceed 6 kHz.

(20) For FM transmitters the sum of the highest modulating frequency and the amount of frequency deviation may not exceed 1.7 kHz, and the maximum frequency deviation may not exceed 1.2 kHz. For AM transmitters the highest modulating frequency may not exceed 1.5 kHz. The carrier frequency must be maintained within 0.0005 percent and the authorized bandwidth may not exceed 3 kHz.

(21) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(22) This frequency may not be used aboard aircraft in flight.

(23) Frequencies subject to this assignment limitation are herein considered collectively for use for communications concerned with cargo handling from a dock, or a cargo handling facility, to a vessel alongside. Any number of the frequencies may be authorized to one licensee for the purpose. Mobile relay stations may be temporarily installed at or in the vicinity of a dock or cargo handling facility and used when a vessel is alongside the dock or cargo handling facility.

Mobile Relay (MHz)	Mobile (MHz)
457.525	467.750
457.550	467.775
457.575	467.800
457.600	467.825

For single frequency simplex: use mobile relay frequencies. The effective radiated power (ERP) on any frequency shall not exceed 2 watts. The center of the radiating system of the onboard repeater antenna shall be located no more than 3 m (10 ft.) above the vessel's highest working deck.

(24) [Reserved]

(25) This frequency is available for assignment to stations located on or near airports serving urbanized areas of 200,000 or more population. U.S. Census of Population, 1960, vol. 1, table 23, page 1-50, and may be assigned only to persons engaged in furnishing commercial air transportation service, or to a nonprofit corporation or association for the purpose of furnishing radio communications service to persons so engaged on a nonprofit cost-sharing basis. Stations on this frequency may be used only in connection with the servicing and supplying of aircraft at the airport. Common frequency signal boosters may be employed in accordance with the following criteria:

(i) The amplified signal is retransmitted only on the exact frequency of the originating base station.

(ii) The booster is equipped with automatic gain control circuitry which will limit the total output of the booster to 500 milliwatts under all conditions.

(iii) All such devices are installed with sufficient isolation between receiving and retransmitting circuits to prevent oscillation.

(iv) The power of any emission except on frequencies within the 460.6375-460.8875 MHz band or on which there is an input signal to the booster, shall be attenuated at least 35 decibels below the total power output of the booster.

(v) In the event control of the booster is impaired due to its activation by signals other than those intended by the licensee to be retransmitted, the licensee shall provide the booster with means of control such that it will be activated only by signals intended to be retransmitted, and boosters so provided with such means of control shall also be provided with an automatic time-delay or clock device which will deactivate the booster not more than 3 minutes after its activation.

(vi) If signal boosters are to be used in conjunction with other facilities, the number of such boosters must be stated on the license application.

This frequency may also be assigned to low power (2 watts or less) stations in the Business Radio Service for use in areas removed by 8 km (5 mi.) from the boundaries of airports serving any urbanized areas of 200,000 or more population, U.S. Census on Population, 1960, vol. 1 table 23, page 1-50. All such use is restricted to confines of an industrial complex or manufacturing yard area. Finally, this frequency is also available for assignment to stations in the Business Radio Service for use at locations removed by 120 or more km (75 mi.) from the boundaries of airports in urbanized areas of 200,000 or more population, U.S. Census of Population, 1960, vol. 1 table 23, page 1-50. Maximum permissible output power is 110 watts for this use.

(26) This frequency may be assigned to fixed stations in the Business Radio Service in accordance with the provisions of § 90.261.

(27) Within the boundaries of urbanized areas of 200,000 or more population, defined in the United States Census of Population, 1960, vol. 1, table 23, page 1-50, this frequency may be used only by persons rendering a central station commercial protection service within the service area of the radio station utilizing the frequency and may be used only for communications pertaining to safety of life and property, and for maintenance or testing of the protection facilities. Central Station commercial protection service is defined as an electrical protection and supervisory service rendered to the public from and by a central station accepted and certified by one or more of the recognized rating agencies, or the Underwriters Laboratories' (UL), or Factory Mutual System. Other stations in the Business Radio Service may be licensed on this frequency only when all base, mobile relay and control stations are located at least 75 miles from the city center or centers of the specified urbanized areas of 200,000 or more population. With respect to combination urbanized areas containing more than one city, 75-mile separation shall be maintained from each city center which is included in the urbanized area. The locations of centers of cities are determined from appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(28) This frequency may be assigned only to persons rendering a central station commercial protection service, which is defined at 90.75(c)(27), within the service area of the radio station utilizing the frequency.

(29) This frequency will be assigned only to stations whose control point location is within 805 m (½ mi. direct) of the transmitter location. Maximum power output may not exceed 110 watts, and the overall height of the antenna above ground may not exceed 30 m (100 ft.).

(30) Operation on this frequency is limited to a maximum output power of 35 watts.

(31) Maximum permissible power output for stations on airports is 3 watts. Each station authorized on this frequency will be classified and licensed as a mobile station. Any units of such a station, however, may provide the functions of a base station on a secondary basis to mobile service operations provided that the vertical separation between the control point or ground level and the center of the radiating portion of the antenna of any units so used shall not exceed 8 m (25 ft.).

(32) Subpart L contains rules for assignment of frequencies in the 470-512 MHz band.

(33) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(34) Assignment of frequencies to operational-fixed stations in the bands 952 MHz and above is governed by Part 94 of this Chapter.

(35) The maximum output power of the transmitter may not exceed 1 watt. A1, A2, A9, F1, F2, or F9 emission may be authorized.

(36) The maximum effective radiated power (ERP) may not exceed 2 watts. All operation is on a secondary basis to adjacent channel land mobile operations. All stations will be licensed as a mobile, however, such stations may be used to provide the operational functions of a base or fixed station. When performing such functions, the

height of the antenna system may not exceed 15.24 m (50 feet) above ground.

(37) Use of this frequency is limited to stations located at least 120.7 km (75 miles) from the center of any urbanized area of 200,000 or more population (U.S. Census or Population 1970). Operation is on a secondary basis to that in the Power Radio Service.

(38) This frequency may be used, with the transmitter carrier centered on the designated frequency or 5 kHz above or below the designated frequency, with P0 or P2 emission, using a bandwidth of 5 kHz and a power not to exceed 1 watt peak power output.

(39) Persons who render a central station commercial protection service are authorized to operate fixed stations on this frequency for the transmission of tone or impulse signals on a secondary, noninterference base-to-base/mobile operations subject to the following conditions and limitations.

(i) Secondary fixed operations may be used only for the following purposes.

(A) Indication of equipment malfunction.

(B) Actuation of a device to indicate the presence of an intruder, fire, or other hazardous condition on the property under the protection of the licensee.

(C) Indication of an abnormal condition in facilities under the protection of the licensee that, if not promptly reported, would result in danger to human life.

(D) Transmission, as may be necessary, to verify status of equipment; adjust operating conditions; or correct any abnormal condition.

(E) Confirmation of status, or that an operation or correction has been accomplished.

(ii) The maximum duration of any one nonvoice signal may not exceed 2 seconds and shall not be transmitted more than three times.

(iii) Systems employing automatic interrogation shall be limited to nonvoice techniques and shall not be activated for this purpose more than 10 seconds out of any 60-second period. This 10-second frame includes both transmit and response times.

(iv) The bandwidth shall not exceed that authorized to the licensee for the primary operation on the frequency concerned.

(v) Frequency loading resulting from the use of secondary signaling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile system.

(vi) A mobile service frequency may not be used exclusively for secondary signaling.

(vii) The output power shall not exceed 30 watts (at the remote site).

(viii) A1, A2, A9, F1, F2, or F9 emission may be authorized.

(ix) The transmitter shall be designed to deactivate automatically after 3 minutes of continuous carrier radiation.

(x) Operational fixed stations authorized under this paragraph are exempt from the requirements of §§ 91.54(e)(2), 91.107(e), 91.152, 91.154.

(xi) On these frequencies, base, mobile relay or mobile stations may transmit secondary tone or impulse signals to receivers, as provided in this section.

(40) Licensees providing a central station commercial protection service may communicate with police or fire stations, or vehicles, on this frequency, and may install licensed transmitting units which operate on this frequency at police or fire stations, or in police or fire vehicles, if the frequency's primary use is in a base/mobile system for a central station commercial protection service.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service. (See also § 90.253.)

(1) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(2) Frequencies in the band 73.0–74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new station will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(3) Licensees holding a valid authorization on January 1, 1973, to operate on the frequencies 406.025, 406.075 MHz may continue to be authorized for such operations until the expiration of their present license on a secondary basis to stations operating in accordance with the table in § 2.106 of this chapter.

(4) Frequencies separated by 12.5 kHz from regularly assigned frequencies in the 457.525–460.650, 460.875–464.975, and 465.875–469.975 MHz bands may be assigned for use by mobile stations of two watts or less output power which may also serve the function of a base, fixed, or mobile relay station. All operation shall be on a secondary, noninterference basis to regularly assigned adjacent frequency operations and shall be entitled to no protection from such stations. Wide area operations will not be authorized. The area of normal day-to-day operation shall be described in the application in terms of a maximum geographic center (latitude and longitude). Mobile stations, when used as fixed stations, shall be exempt from the limitations of § 90.75(e). Antennas of mobile stations used as fixed stations communicating with one or more associated stations located within 45 degrees of azimuth shall be directional and have a front to back ratio of at least 15 dB. Except as provided below, the height of the antenna used at any mobile station serving as a base, fixed or mobile relay station may not exceed 7 m. (20 ft.) above the ground.

(1) No limit shall be placed on the length or height above ground of any commercially manufactured radiating transmission line when the transmission line is terminated in a nonradiating load and is routed at least 7 m. (20 ft.) interior to the edge of any structure or is routed below ground level.

(ii) Sea-Based stations may utilize antennas mounted not more than 7 m. (20 ft.) above the man-made supporting structure, excluding antenna structures.

(5) Low-power mobile stations of 100 mW or less output power may be assigned any frequency separated by 12.5 kHz from a regularly assigned frequency in the bands 460.650–460.875 MHz and 465.650–465.875 MHz listed in paragraph (c) of this section, for one-way, non-voice biomedical telemetry operations in hospitals, or in medical or convalescent centers.

(e) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247, notwithstanding this limitation.

(2) Frequencies in the ranges 30.56–30.57 MHz, 35.00–35.01 MHz, 35.99–36.00 MHz, and 37.00–37.01 MHz are available for assignment to applicants in this service subject to the provisions of subpart P, notwithstanding this limitation.

(3) Frequencies in the 457 and 467 MHz bands may be assigned collectively as provided by paragraph (c)(23) of this section notwithstanding this limitation.

(4) Frequencies in the 25–50 MHz, 150–170 MHz, and 450–512 MHz bands, and the frequencies bands 903–904 MHz, 904–912 MHz, 918–926 MHz, and 926–927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239 notwithstanding this limitation.

(f) *Limitation on itinerant operation.* Base or mobile stations being utilized in itinerant operation will be authorized only on base or mobile frequencies designated for itinerant operation under § 90.75(c)(12).

§ 90.79 Manufacturers radio service.

(a) *Eligibility.* Persons primarily engaged in any of the following manufacturing activities are eligible to hold authorizations in the Manufacturers Radio Service to operate radio stations for transmission of communications essential to such activities of the licensee:

(1) The mechanical or chemical transformation of substances into new products within such establishments as plants, factories, shipyards, or mills which employ, in that process, power-driven machines and materials-handling equipment.

(2) The assembly of components of manufactured products within such establishments as plants, factories, shipyards, or mills where the new product is neither a new structure nor other fixed improvement. Establishments primarily engaged in the wholesale or retail trade, or in service activities, even though they fabricate or assemble any or all the products or commodities handled, are not eligible in this service.

(3) The providing of supporting services or materials by a corporation to its parent corporation, to another subsidiary of its parent or to its own subsidiary, where such supporting services or materials are directly related to those regular activities of such parent or subsidiary which constitute the basis for eligibility in this service.

(b) *Special limitations on use.* The following limitations are applicable to the use of stations in this service:

(1) Authorized stations may be used only for the transmission of communications related to the operation of the plant, such as for security, production control or materials-handling. Communications related to the retail distribution of the licensees products are not permitted.

(2) Base station will only be authorized in this service for operation at specified and permanent locations.

(c) *Frequencies available.* The following table indicated frequencies available for assignment to stations in the Manufacturers Radio Service, together with the class of stations(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (d) of this section:

Manufacturers Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz		
72.02	Mobile	1, 2
72.04	do	1, 2
72.06	do	1, 2
72.08	do	1, 2, 3
72.10	do	1, 2
72.12	do	1, 2
72.14	do	1, 2
72.16	do	1, 2, 3

Manufacturers Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
72.18	do	1, 2
72.20	do	1, 2
72.22	do	1, 2
72.24	do	1, 2, 3
72.26	do	1, 2
72.28	do	1, 2
72.30	do	1, 2
72.32	do	1, 2, 3
72.34	do	1, 2
72.36	do	1, 2
72.38	do	1, 2
72.40	do	1, 2, 3
72.44	do	2, 4
72.48	do	2, 2
72.52	do	2, 4
72.56	do	2, 4
72.60	do	2, 4
75.44	do	2, 4
75.48	do	2, 4
75.52	do	2, 4
75.56	do	2, 4
75.60	do	2, 4
153.050	Base or mobile	5
153.065	do	5
153.080	do	5
153.095	do	5
153.110	do	5
153.125	do	5
153.140	do	5
153.155	do	5
153.170	do	5
153.185	do	5
153.200	do	5
153.215	do	5
153.230	do	5
153.245	do	5
153.260	do	5
153.275	do	5
153.290	do	5
153.305	do	5
153.320	do	5
153.335	do	5
153.350	do	5
153.365	do	5
153.380	do	5
153.395	do	5
154.45625	Mobile	6, 9, 10, 19
154.46375	do	6, 7, 9, 10, 19
154.47125	do	6, 7, 9, 10
154.47875	do	6, 9, 10, 19
158.280	do	5
158.295	do	5
158.310	do	5
158.325	do	5
158.415	do	5
158.430	do	5
173.20375	Fixed or mobile	6, 7, 9, 10
173.2100	do	7, 8, 9, 10
173.2375	do	6, 9, 10, 19
173.2625	do	6, 9, 10, 19
173.2875	do	6, 9, 10, 19
173.3125	do	6, 9, 10, 19
173.3375	do	6, 9, 10, 19
173.3625	do	6, 9, 10, 19
173.3900	do	7, 8, 9, 10
173.39625	do	6, 7, 9, 10
216–220	Base of mobile	11
450–470	Fixed	12
451.175	Base or mobile	13
451.225	do	13
451.275	do	13
351.375	do	13
451.475	do	13
451.525	do	13
451.575	do	13
451.625	do	13
451.675	do	13
456.175	Mobile	13
456.225	do	13
456.275	do	13
456.375	do	13
456.425	do	13
456.475	do	13
456.525	do	13
456.575	do	13
456.625	do	13
456.675	do	13

Manufacturers Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
462.200	Base or mobile	
462.225	do	
462.250	do	
462.275	do	
462.300	do	
462.325	do	
462.350	do	
462.375	do	
462.400	do	
462.425	do	
462.450	do	
462.475	do	13
462.500	do	
462.525	do	13
467.200	Mobile	
467.225	do	
467.250	do	
467.275	do	
467.300	do	
467.325	do	
467.350	do	
467.375	do	
467.400	do	
467.425	do	
467.450	do	
467.475	do	13
467.500	do	
467.525	do	13
470–512	Base or mobile	14
806–821	Mobile	15
815–866	Base or mobile	15
952 and above	Operational fixed	16
1427 to 1435	Operational fixed, base or mobile	1
2450 to 1435	Base or mobile	17
8400 to 8500	do	18
10,550 to 10,680	do	

(d) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (c) of this section:

(1) This frequency is shared with fixed stations in other services and is subject to no protection from interference.

(2) All communications on this frequency must be conducted within the boundaries or confines of plant, factory, shipyards, mill, or other manufacturing area. All operations on this frequency are subject to the provisions of § 90.275(b).

(3) This frequency is shared with the Radio Control (R/C) Service, part of the Personal Radio Services, where it is used solely for the radio control of models.

(4) This frequency is available on a shared basis in the Manufacturers, Special Industrial and Railroad Radio Services and interservice coordination is required.

(5) This frequency is shared with the Forest Products and Petroleum Radio Services. The output power of transmitters operating on this frequency shall not exceed 110 watts.

(6) For FM transmitters the sum of the highest modulating frequency in hertz and the amount of frequency deviation or swing in hertz may not exceed 2800 Hz and the maximum frequency deviation may not exceed 2.5 kHz. For AM transmitters the highest

modulating frequency may not exceed 2000 Hz. The carrier frequency must be maintained within 0.0005 percent of the center of the frequency band, and the authorized bandwidth may not exceed 6 kHz.

(7) In this frequency band the maximum power output of the transmitter may not exceed 50 watts for fixed stations and 1 watt for mobile stations. A1, A2, F1, or F2 emission may be authorized, and mobile stations used to control remote objects and devices may be operated in the continuous transmit mode.

(8) For FM transmitters the sum of the highest modulating frequency in hertz and the amount of frequency deviation or swing in hertz may not exceed 1700 Hz and the maximum deviation may not exceed 1.2 kHz. For AM transmitters the highest modulating frequency may not exceed 1200 Hz. The carrier frequency must be maintained within 0.0005 percent of the center of the freqency band, and the authorized bandwidth may not exceed 3 kHz.

(9) This frequency band is available on a shared basis with the Local Government and several Industrial Radio Services. Evidence of interservice coordination is required.

(10) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 db. Omnidirectional antennas having unity gains may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

(11) This frequency band is available to stations in this service in this service subject to the provisions of § 90.259.

(12) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is on a secondary basis to stations in the Public Safety and Land Transportation Radio Services where they are assigned for land mobile operations.

(13) This frequency is available on a shared basis in the Power Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. It may be assigned only when all of the frequences in the 450-470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station. Applications for this frequency must be coordinated with all five services.

(14) Subpart L contains rules for assignment of frequencies in the 470-512 MHz band.

(15) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(16) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by part 94 of this chapter.

(17) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical (ISM) devices.

(18) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(19) The maximum effective rediated power (ERP) may not exceed 20 watts for fixed stations and 2 watts for mobile stations and the height of the antenna system may not exceed 15.24 meters (50 feet) above ground. All such operation is on a secondary basis to adjacent channel land mobile operations.

(20) Use of this frequency is limited to stations located at least 120.7 km (75 miles) from the center of any urbanized area of 200,000 or more population (U.S Census of Population, 1970). Operation is on a second any basis to that in the Power Radio Service.

(e) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service: (See also 90.253.)

(1) Frequencies may be substituted for those available below 25 MHz in accordance with the provisions of § 90.263.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(3) Frequencies in the band 73.0-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(f) *Limitation on number of frequencies assignable.* Normally only one frequency or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247 notwithstanding this limitation.

(2) Frequencies in the ranges 30.56-30.57 MHz, 35.00-35.01 MHz, 35.99-36.00 MHz, and 37.00-37.01 MHz are available for assignment to applicants in this service subject to the provisions of subpart P notwithstanding this limitation.

(3) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.81 Telephone Maintenance Radio Service.

(a) *Eligibility.* Communications common carriers primarily engaged in rendering a wire-line or wire-line and radio communications service to the public for hire, and radio communications common carriers authorized in the Point-to-Point Microwave Radio Service under part 21 are eligible to hold authorizations in the Telephone Maintenance Radio Service to operate radio stations for transmission of communications in accordance with paragraph (b) of this section.

(b) *Special limitations on use.* The facilities authorized in this service shall only be used for transmission of communications directly related to the construction, repair, maintenance or operation of communications common carrier facilities. The facilities authorized in this service shall not be used for administrative or other sales related business activities of the licensee, nor for the transmission of any common carrier or public correspondence communication.

(c) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Telephone Maintenance Radio Service, together with the class of station(s) to which they are normally assigned and the specific assignment limitations which are explained in paragraph (d) of this section:

Telephone Maintenance Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
35.16	Base or mobile	1
43.16	Mobile	1
151.985	Base or mobile	1
158.34	Mobile	1
216 to 220	Base or mobile	2
450 to 470	Fixed	3
451.175	Base or mobile	4
451.225	do	4
451.275	do	4
451.300	do	1
451.325	do	1
451.350	do	1
451.375	do	4
451.400	do	1
451.425	do	4
451.450	do	1
451.475	do	4
451.500	do	1
451.525	do	4
451.575	do	4
451.625	do	4
451.675	do	4
456.175	Mobile	4
456.225	do	4
456.275	do	4
456.300	do	1, 5
456.325	do	1, 5
456.350	do	1, 5

Telephone Maintenance Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
456.375	....do	4
456.400	....do	1, 5
456.425	....do	4
456.450	....do	1, 5
456.475	....do	4
456.500	....do	1, 5
456.525	....do	4
456.575	....do	4
456.625	....do	4
456.675	....do	4
462.475	Base or mobile	4
462.525	....do	4
467.475	Mobile	4
467.525	....do	4
470 to 512	Base or mobile	6
806 to 821	Mobile	7
851 to 866	Base or mobile	7
952 and above	Operational fixed	8
1427 to 1435	Operational fixed, base or mobile.	2
2450 to 2500	Base or mobile	9
8400 to 8500	....do	10
10,550 to 10,680	....do	

(d) Explanation of assignment limitations appearing in the frequency table of paragraph (c) of this section:

(1) This frequency may be assigned only to a communications common carrier primarily engaged in rendering a wire-line or wire-line and radio communications service to the public for hire.

(2) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(3) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Public Safety and Land Transportation Radio Services where they are assigned for land mobile operations.

(4) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, and Telephone Maintenance Radio Services. Except for assignments made to non-wire-line radiocommunications common carriers authorized in the Point-to-Point Microwave Radio Service under part 21 it may be assigned only when all of the base and mobile frequencies in the 450-470 MHz band for which the applicant is primarily eligible are assigned within 35 miles (56 km) of the proposed base station. Applications for this frequency must be coordinated with all five services.

(5) This frequency may be assigned to auxiliary test stations.

(6) Subpart L contains rules for assignment of frequencies in the 470-512 MHz band.

(7) Subpart M contains rules for assignment of frequencies in the 806-821 and 851-866 MHz bands.

(8) Assignment of frequencies to operational-fixed stations in the bands 952 and above is governed by part 94 of this chapter.

(9) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical (ISM) devices.

(10) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(e) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service: (See also § 90.253.)

(1) The frequencies 27.235, 27.245, 27.255., 27.265, and 27.275 MHz are available in accordance with § 90.255.

(2) Frequencies in the band 73.0-74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(f) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247 notwithstanding this limitation;

(2) Frequencies in ranges 30.56-30.57 MHz, 35.00-35.01 MHz, 35.99-36.00 MHz, and 37.00-37.01 MHz are available for assignment of applicants in this service subject to the provisions of subpart P notwithstanding this limitation.

(3) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of automatic vehicle monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

Subpart E—Land Transportation Radio Services

§ 90.85 Scope.

The Land Transportation Radio Services include the motor carrier, Railroad, Taxicab and Automobile Emergency Radio Services. Rules as to eligibility for licensing, permissible communications, assignable frequencies, and any special requirements as to each of these radio services are set forth in the following sections.

§ 90.87 General eligibility.

In addition to the eligibility shown in each Land Transportation Radio Service, eligibility is also provided for any corporation proposing to furnish nonprofit radiocommunication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary provided the party served is regularly engaged in any of the eligibility activities set forth in the particular service involved. Eligibility is also provided for a nonprofit corporation or association that is organized for the purpose of furnishing a radiocommunication service to persons actually engaged in any of the eligibility activities set forth in the particular service involved subject to the cooperative use provisions of § 90.179.

§ 90.89 Motor carrier radio service.

(a) *Eligibility.* Persons primarily engaged in providing a common or contract motor carrier transportation service in any of the following activities are eligible to hold authorizations in the Motor Carrier Radio Service to operate radio stations for transmission of communications essential to such activities of the licensee. For purposes of this rule, an urban area is defined as being one or more contiguous, incorporated or unincorporated cities, boroughs, towns, or villages, having aggregate population or 2,500 or more persons.

(1) The transportation of passengers between urban areas.

(2) The transportation of property between urban areas.

(3) The transportation of passengers within a single urban area.

(4) The transportation local distribution or collection of property within a single urban area.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Motor Carrier Radio Service, together with the class of station(s) to which they are normally assigned; and the specific assignment limitations, which are explained in paragraph (c) of this section:

Motor Carrier Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
30.66	Base or mobile	1, 2
30.74	....do	1, 2
30.82	....do	1, 2
30.86	....do	1, 3
30.90	....do	1, 3
30.94	....do	1, 3
30.98	....do	1, 3
31.02	....do	1, 3
31.06	....do	1, 3
31.08	....do	1
31.10	....do	1, 3
31.12	....do	1
31.14	....do	1, 3
43.70	....do	4
43.72	....do	4
43.74	....do	4
43.76	....do	4
43.78	....do	4
43.80	....do	4

Motor Carrier Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
43.82	do	4
43.84	do	4
43.86	do	5, 6
43.88	do	5, 6
43.90	do	5, 6
43.92	do	5, 6
43.94	do	5, 6
43.96	do	5
43.98	do	5
44.00	do	5
44.02	do	5
44.04	do	5
44.06	do	5
44.08	do	5
44.10	do	5
44.12	do	5
44.14	do	5
44.16	do	5
44.18	do	5
44.20	do	5
44.22	do	5
44.24	do	5
44.26	do	5
44.28	do	5
44.30	do	5
44.32	do	5
44.34	do	5
44.36	do	5, 6
44.38	do	5, 6
44.40	do	5, 6
44.42	do	5, 6
44.44	do	5, 6
44.46	do	1
44.48	do	1
44.50	do	1
44.52	do	1
44.54	do	1
44.56	do	1
44.58	do	1
44.60	do	1
72.0–76.0	Operational fixed	7
159.495	Base or mobile	8
159.510	do	8
159.525	do	8
159.540	do	8
159.555	do	8
159.570	do	8
159.585	do	8
159.600	do	8
159.615	do	8
159.630	do	8
159.645	do	8
159.660	do	8
159.675	do	8
159.690	do	8
159.705	do	8
159.720	do	8
159.735	do	8
159.750	do	8
159.765	do	8
159.780	do	8
159.795	do	8
159.810	do	8
159.825	do	8
159.840	do	8
159.855	do	8
159.870	do	8
159.885	do	8
159.900	do	8
159.915	do	8
159.930	do	8
159.945	do	8
159.960	do	8
159.975	do	8
159.990	do	8
160.005	do	8
160.020	do	8
160.035	do	8
160.050	do	8
160.065	do	8
160.080	do	8
160.095	do	8
160.110	do	8
160.125	do	8
160.140	do	8
160.155	do	8
160.170	do	8

Motor Carrier Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
160.185	do	8
160.200	do	8
450–470	Fixed	9
452.325	Base or mobile	10
452.375	do	10
452.425	do	10
452.475	do	10
452.625	do	
452.650	do	
452.675	do	
452.700	do	
452.725	do	
452.750	do	
452.775	do	10
452.800	do	
452.825	do	10
452.850	do	
452.875	do	10
457.325	Mobile	10
457.375	do	10
457.465	do	10
457.475	do	10
457.625	do	
457.650	do	
457.675	do	
457.700	do	
457.725	do	
457.750	do	
457.775	do	10
457.800	do	
457.825	do	10
457.850	do	
457.875	do	10
470 to 512	Base or mobile	11
806 to 821	Mobile	12
851 to 866	Base or mobile	12
952 and above	Operational fixed	13
1427 to 1435	Operational fixed, base or mobile.	14
2450 to 2500	Base or mobile	15
8400 to 8500	do	16
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) This frequency is available for assignment in this service only to common and contract motor carriers of passengers within a single urban area.

(2) This frequency is available on a shared basis with the Petroleum Radio Service.

(3) This frequency is available on a shared basis with stations in the Forestry-Conservation Radio Service.

(4) This frequency is available for assignment in this service only to common and contract motor carriers of passengers between urban areas.

(5) This frequency is available for assignment in this service only to common and contract motor carriers of property between urban areas.

(6) In addition to single frequency operation, this frequency is available to base and mobile stations for the paired frequency mode of operation. For two frequency systems, the separation between base and mobile transmit frequencies is 500 kHz with the base stations transmitting on the higher of the two frequencies.

(7) The frequencies available for use at operational fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

8. This frequency is available for assignment in this service only to common and contract motor carriers of property.

(9) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Public Safety and Industrial Radio Services where they are assigned for land mobile operations.

(10) This frequency is shared in the Motor Carrier and Railroad Radio Services. It may be assigned only when all of the frequencies in the 450–460 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 35 miles (56 km) of the proposed base station. Applications for these frequencies must be coordinated with all services involved.

(11) Subpart L contains rules for assignment of frequencies in the 470–512 MHz band.

(12) Subpart M contains rules for assignment of frequencies in 806–821 and 851–866 MHz bands.

(13) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by part 94 of this chapter.

(14) This frequency is available to stations in this service subject to the provisions of § 90.259.

(15) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(16) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service: (See also § 90.253.)

(1) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(2) Frequencies in the band 73.0–74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(3) The frequency band 33.00–33.01 MHz may be used for developmental operations subject to the provisions of subpart P. Any type of emission other than pulsed emission may be used if the bandwidth occupied by the emission is contained within the assigned frequency band.

(e) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247, notwithstanding this limitation.

(2) Frequencies in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands, and the frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for the operation of Automatic Vehicle (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.91 Railroad radio service.

(a) *Eligibility.* Railroad common carriers which are regularly engaged in the transportation of passengers or property when such passengers or property are transported over all or part of their route by railroad are eligible to hold authorizations in the Railroad Radio Service to operate radio stations for transmission of communications and to assure safety of operations essential to such activities of the licensee.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Railroad Radio Service, together with the class of station(s) to which they are normally assigned; and the specific assignment limitations, which are explained in paragraph (d) of this section:

Railroad Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
72.0 to 76.0	Operational fixed	1
72.44	Mobile	2
72.48	do	2
72.52	do	2
72.56	do	2
76.60	do	2
75.44	do	2
75.48	do	2
75.52	do	2
75.56	do	2
75.60	do	2
160.215	Base or mobile	3, 4
160.230	do	3, 4
160.245	do	3, 4
160.260	do	3, 4
160.275	do	3, 4
160.290	do	3, 4
160.305	do	3, 4
160.320	do	3, 4
160.335	do	3, 4
160.350	do	3, 4
160.365	do	3, 4
160.380	do	3, 4
160.395	do	3, 4
160.410	do	3, 4, 5
160.425	do	3, 4, 5
160.440	do	3, 4, 5
160.455	do	3, 4, 5
160.470	do	3, 4, 5
160.485	do	3, 4, 5
160.500	do	3, 4, 5
160.515	do	3, 4, 5
160.530	do	3, 4, 5
160.545	do	3, 4, 5
160.560	do	3, 4, 5
160.575	do	3, 4, 5
160.590	do	3, 4, 5
160.605	do	3, 4, 5
160.620	do	3, 4
160.635	do	3, 4
160.650	do	3, 4
160.665	do	3, 4
160.680	do	3, 4
160.695	do	3, 4
160.710	do	3, 4
160.725	do	3, 4
160.740	do	3, 4
160.755	do	3, 4
160.770	do	3, 4
160.785	do	3, 4
160.800	do	3, 4
160.815	do	3, 4
160.830	do	3, 4
160.845	do	3, 4
160.860	do	3, 4, 6
160.875	do	3, 4, 6
160.890	do	3, 4, 6
160.905	do	3, 4, 6
160.920	do	3, 4, 6
160.935	do	3, 4, 6
160.950	do	3, 4, 6
160.965	do	3, 4, 6
160.980	do	3, 4, 6
160.995	do	3, 4, 6
161.010	do	3, 4, 6
161.025	do	3, 4, 6
161.040	do	3, 4, 6
161.055	do	3, 4, 6
161.070	do	3, 4, 6
161.085	do	3, 4, 6
161.100	do	3, 4, 6
161.115	do	3, 4, 6
161.130	do	3, 4, 6
161.145	do	3, 4, 6
161.160	do	3, 4, 6
161.175	do	3, 4, 6
161.190	do	3, 4, 6
161.205	do	3, 4, 6
161.220	do	3, 4, 6
161.235	do	3, 4, 6
161.250	do	3, 4, 6
161.265	do	3, 4, 6
161.280	do	3, 4, 6
161.295	do	3, 4, 6
161.310	do	3, 4, 6
161.325	do	3, 4, 6
161.340	do	3, 4, 6
161.355	do	3, 4, 6
161.370	do	3, 4, 6
161.385	do	3, 4, 7
161.400	do	3, 4, 7
161.415	do	3, 4, 7
161.430	do	3, 4, 7
161.445	do	3, 4, 7
161.460	do	3, 4, 7
161.475	do	3, 4, 7
161.490	do	3, 4, 7
161.505	do	3, 4, 7
161.520	do	3, 4, 7
161.535	do	3, 4, 7
161.550	do	3, 4, 7
161.565	do	3, 4, 7
169-172	Operational fixed	8
406-413	do	8
450-470	do	9
452.325	Base or mobile	10
452.375	do	10
452.425	do	10
452.475	do	10
452.775	do	10
452.825	do	10
452.875	do	10
452.900	do	
452.925	do	11
452.950	do	11
457.325	Mobile	10
457.375	do	10
457.425	do	10
457.475	do	10
457.775	do	10
457.825	do	10
457.875	do	10
457.900	do	
457.925	do	11
457.950	do	11
470 to 512	Base or mobile	12
806 to 821	Mobile	13
851 to 866	Base or mobile	13
952 and above	Operational fixed	14
1427 to 1435	Operational fixed, base or mobile.	15
2450 to 2500	Base or mobile	16
8400 to 8500	do	17
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (c) of this section:

(1) The frequencies available for assignment to operational fixed stations in the band 72.0 to 76.0 MHz are listed in § 90.257(a)(1). These frequencies which are shared with other services, are available only in accordance with the provisions of § 90.257.

(2) This frequency is available on a shared basis in the Manufacturers, Special Industrial, and Railroad Radio Services and interservice coordination is required. All communications must be conducted within the boundaries or confines of railroad terminals or yards. All operations on this frequency are subject to the provisions of § 90.257(b).

(3) This frequency may be used for the following:

(i) End-to-end, fixed point-to-train, or train-to-train communications in connection with the operation or railroad trains over a track, in yards, or tracks extending through yards and between stations upon which trains are operated by timetable, train order, or both, or the use of which is governed by block signals.

(ii) Intercommunication between adjacent base stations, provided interference is not caused to communications involving radio stations aboard railroad rolling stock.

(iii) Transmission of tone signals for signaling purposes or for remote control of locomotives, including slave locomotives placed within a train to assist the lead locomotive by providing, among other functions auxiliary starting, pulling, and braking actions; and radio controlled cab indicator devices that are placed within a locomotive to give visual signals to the operator of the locomotive.

(4) This frequency may also be used for the transmission of tone or voice communications, including such communications when prerecorded, for

purposes of automatically indicating abnormal conditions of trackage and railroad rolling stock when in motion, on a secondary basis to other stations on this frequency. All such operations shall be subject to the following:

(i) The output power shall not exceed 30 watts.

(ii) The bandwidth used shall not exceed that authorized to the licensee for voice transmissions on the frequency concerned.

(iii) The station shall be so designed and installed that it can normally be activated only by its associated automatic control equipment and, in addition, it shall be equipped with a time delay or clock device which will deactivate the station within three (3) minutes following activation by the last car in the train.

(iv) Stations authorized pursuant to the provisions of this subparagraph are exempt from the station identification requirements of § 90.425.

(5) This frequency is shared with and must be coordinated with the Special Industrial Radio Service in Puerto Rico and the Virgin Islands.

(6) In Puerto Rico and the Virgin Islands only, this frequency is available on a shared basis with remote pickup broadcast stations.

(7) In Puerto Rico and the Virgin Islands only, this frequency is not available to stations operating in the Railroad Radio Service.

(8) This frequency will be assigned only for transmitting hydrological or meteorological data in accordance with the provisions of § 90.265.

(9) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Public Safety and Industrial Radio Services where they are assigned for land mobile operations.

(10) This frequency is shared in the Motor Carrier and Railroad Radio Services. It may be assigned only when all of the frequencies in the 450–460 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 35 miles (56 km) of the proposed base station. Applications for this frequency must be coordinated with all services involved.

(11) This frequency may be assigned primarily for stations used for the purpose of controlling slave locomotives that are placed within a train to assist the lead locomotive by providing, among other functions, auxiliary starting, pulling, and braking actions. Additionally, on a secondary basis this frequency may be assigned for remote control of all types of locomotives and, within a railroad yard or terminal area, for remote control of cab indicator devices placed with a locomotive to give visual signals to the operator of the locomotive. (A1, A2, F1 or F2 emissions may be authorized.)

(12) Subpart L contains rules for assignment of frequencies in the 470–512 MHz band.

(13) Subpart M contains rules for assignment of frequencies in the 806–821 and 851–866 MHz bands.

(14) Assignment of frequencies for operational-fixed stations in the band 952 MHz and above is governed by Part 94 of this Chapter.

(15) This frequency band is available to stations in this services subject to the provisions of § 90.259.

(16) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical (ISM) devices.

(17) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(d) *Additional frequencies available.* In addition to the frequencies shown in the frequency table of this section, the following frequencies are available in this service: (See also 90.253).

(1) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(2) Frequencies in the band 73.0–74.6 MHz may be assigned to stations authorized their use on or before December 1, 1961, but no new stations will be authorized in this band, nor will expansion of existing systems be permitted. (See also § 90.257.)

(3) Base and mobile stations authorized as of April 1, 1968, to operate on frequency 161.61 MHz may continue to be authorized for such operation on a secondary basis to the Maritime Mobile Service. The licensees of such stations may renew, modify, reinstate, or assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee, and may expand existing systems when using that frequency; however, they will not be authorized to establish any new systems on the frequency.

(4) Stations authorized for operation on or before June 11, 1962, on the frequencies 169.575, 170.375, 171.175, 171.975, or 406.050 MHz may continue to be authorized for such operation on a secondary basis to Government stations.

(5) The frequency band 33.00–33.01 MHz may be used for developmental operation subject to the provisions of subpart P. Any type of emission other than pulsed emission may be used if the bandwidth occupied by the emission is contained within the assigned frequency band.

(e) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned from mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that:

(1) Additional frequencies above 25 MHz may be assigned in connection with operation of mobile repeaters in accordance with § 90.247 notwithstanding this limitation.

(2) Frequencies in the 25–50 MHz, 150–170 MHz, and 450–512 MHz bands, and the frequency bands 903–904 MHz, 904–912 MHz, 918–926 MHz, and 926–927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.93 Taxicab Radio Service.

(a) *Eligibility.* Persons regularly engaged in furnishing to the public for hire a nonscheduled passenger land transportation service (which may also include the occasional transport of small items of property) not operated over a regular route or between established terminals are eligible to hold authorizations in the Taxicab Radio Service to operate radio stations for the transmission of communications essential to such activities of the licensee.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Taxicab Radio Service, together with the class of station(s) to which they are normally assigned; and the specific assignment limitations, which are explained in paragraph (c) of this section:

Taxicab Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
152.270	Base or mobile	
152.285	do	1
152.300	do	1, 2
152.315	do	1
152.330	do	
152.345	do	1
152.360	do	1, 2
152.375	do	1
152.390	do	
152.405	do	1
152.420	do	1, 2
152.435	do	1
152.450	do	
157.530	Mobile	
157.545	do	1
157.560	do	1, 2
157.575	do	1
157.590	do	
157.605	do	1
157.620	do	1, 2
157.635	do	1
157.650	do	
157.665	do	1
157.680	do	1, 2
157.695	do	1
157.710	do	
450 to 470	Fixed	3
452.050	Base or mobile	
452.100	do	10
452.150	do	

Taxicab Radio Service Frequency Table—Continued

Frequency or band	Class of station(s)	Limitations
452.200	do	10
452.225	do	10
452.250	do	10
452.275	do	10
452.300	do	
452.350	do	10
452.400	do	10
452.450	do	
452.500	do	
457.050	Mobile	10
457.100	do	10
457.150	do	10
457.200	do	10
457.225	do	10
457.250	do	10
457.275	do	10
457.300	do	10
457.350	do	10
457.400	do	10
457.450	do	10
457.500	do	10
470–512	Base or mobile	4
806 to 821	Mobile	5
851 to 866	Base or mobile	5
952 and above	Operational fixed	6
1427 to 1435	Base, mobile, or operational fixed.	7
2450 to 2500	Base or mobile	8
8400 to 8500	do	9
10,550 to 10,680	do	

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) This frequency is available for assignment only to base or mobile stations operating wholly within Standard Metropolitan Areas having 50,000 or more population (1950 Census).

(2) This frequency is available on a secondary basis to Business Radio Service licensees for use at stations outside Standard Metropolitan Areas having 50,000 or more population (1950 Census).

(3) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Public-Safety and Industrial Radio Services where they are assigned for land mobile operations.

(4) Subpart L contains rules for assignment of frequencies in the 470–512 MHz band.

(5) Subpart M contains rules for assignment of frequencies in the 806–821 and 851–866 MHz bands.

(6) Assignment of frequencies for operational-fixed stations in the bands 952 MHz and above is governed by part 94 of this chapter.

(7) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(8) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(9) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(10) This frequency is shared by stations in the Forest Products Radio Service in the States of Washington, Oregon, Idaho, and Montana in areas at least 40 miles removed from the center of urbanized areas of 200,000 or more population, 1970 Decennial Census. (Provided that, taxicab operations within the specified urbanized areas will not be authorized on frequencies shared with the Forest Products Radio Service until the unshared frequencies are fully utilized.) For two-frequency systems, separation between base and mobile transmit frequencies is 5 MHz; however, a mobile station may be assigned the frequency of an associated base station. (Such operation may, however, subject the single-frequency system to interference that would not occur to a two-frequency system.)

(d) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that: (See also § 90.253).

(1) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(2) Frequencies in the 25–50 MHz, 150–170 MHz, and 450–512 MHz bands, and the frequency bands 903–904 MHz, 904–912 MHz, 918–926 MHz, and 926–927 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

(3) The frequency band 33.00–33.01 MHz may be used for developmental operation subject to the provisions of subpart P. Any type of emission other than pulsed emission may be used if the bandwidth occupied by the emission is contained within the assigned frequency band.

§ 90.95 Automobile Emergency Radio Service.

(a) *Eligibility.* Persons regularly engaged in any of the following activities are eligible to hold authorizations in the Automobile Emergency Radio Service to operate radio stations for transmission of communications required for dispatching repair trucks, tow trucks, or other road service vehicles to disabled vehicles.

(1) The operation of a private emergency road service for disabled vehicles by associations of owners of private automobiles.

(2) The business of providing to the general public an emergency road service for disabled vehicles.

(b) *Special permissible communications.* On a secondary basis, the transmission of communications by associations of owners of private automobiles which provide emergency road service for the purpose of reporting traffic conditions is authorized.

(c) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Automobile Emergency Radio Service, together with the class of station(s) to which they are normally assigned; and the specific assignment limitations which are explained in paragraph (c) of this section:

Automobile Emergency Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
150.815	Base or mobile	1, 2, 3
150.830	do	1, 2, 3
150.845	do	1, 2, 3
150.860	do	1, 2, 3
150.875	do	1, 2, 3
150.890	do	1, 2, 3
150.905	do	3, 4
150.920	do	3, 4
150.935	do	3, 4
150.950	do	3, 4
150.965	do	3, 4
157.470	do	5, 6
157.485	do	5, 6
157.500	do	5, 6
157.515	do	5, 6
450 to 470	Fixed	7
452.525	Base or mobile	8
452.550	do	8
452.575	do	8
452.600	do	8
470 to 512	Base or mobile	9
806 to 821	Mobile	10
851 to 866	Base or mobile	10
952 and above	Operational fixed	11
1427 to 1435	Operational fixed, base, or mobile.	12
2450 to 2500	Base or mobile	13
8400 to 8500	do	14
10,550 to 10,680	do	

(d) Explanation of assignment limitations appearing in the frequency table of paragraph (c) of this section:

(1) This frequency is available only for stations (other than those aboard aircraft) which are operated by or on behalf of persons who provide to the general public an emergency road service for disabled vehicles.

(2) Only one of the frequencies 150.815, 150.830, 150.845, 150.860, 150.875, or 150.890 MHz may be assigned to the same licensee in a given area.

(3) This frequency is not available to stations in this service in Puerto Rico or the Virgin Islands.

(4) This frequency is available for assignment to base stations and to mobile stations (other than those aboard aircraft) which are operated by or on behalf of associations of owners of private automobiles.

(5) This frequency is available for assignment to stations, other than those aboard aircraft, which are operated by

or on behalf of persons who provide to the general public an emergency road service for disabled vehicles: Except that; at the discretion of the Commission this frequency may also be operated by or on behalf of associations of owners of private automobiles upon a showing that all other frequencies available for assignment to such stations are currently assigned to other stations for use in the area concerned and that the use of the requested frequency, in each case, will be less likely to result in mutual harmful interference that would the use of a frequency otherwise available to the station.

(6) Only one of the frequencies 157.470, 157.485, 157.500, or 157.515 MHz may be assigned to the same licensee in a given area.

(7) The frequencies available for use at fixed stations in this band, and the requirements for assignment are set forth in § 90.261. Operation on these frequencies is secondary to stations in the Public-Safety and Industrial Radio Services where they are assigned for land mobile operations.

(8) This frequency is available for assignment to stations which are operated by or on behalf of associations of owners of private automobiles for single-frequency operation.

(9) Subpart L contains rules for assignment of frequencies in the 470–512 MHz band.

(10) Subpart M contains rules for assignment of frequencies in the 806–821 and 851–866 MHz bands.

(11) Assignment of frequencies for operational-fixed stations in the bands 952.MHz and above is governed by part 94 of this Chapter.

(12) This frequency band is available to stations in this service subject to the provisions of § 90.259.

(13) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific, or medical (ISM) devices.

(14) Use of this frequency band is limited to developmental operation and is subject to the provisions of subpart P.

(e) *Limitation on number of frequencies assignable.* Normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need, except that: (See also § 90.253.)

(1) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz are available in accordance with § 90.255.

(2) Frequencies in the 25–50 MHz, 150–170 MHz, and 450–512 MHz bands, and the frequency bands 903–904 MHz, 904–912 MHz 918–926 MHz, and 926–027 MHz may be assigned for the operation of Automatic Vehicle Monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

(3) The frequency band 33.00–33.01 MHz may be used for developmental operation subject to the provisions of subpart P. Any type of emission other than pulsed emission may be used if the bandwidth occupied by the emission is contained within the assigned frequency band.

Subpart F—Radiolocation Service

§ 90.101 Scope.

The Radiolocation Service accommodates the use of radio methods for determination of direction, distance, speed, or position for purposes other than navigation. Rules as to eligibility for licensing, permissible communications, frequency available, and any special requirements are set forth in the following section, except that the operation of Automatic Vehicle Monitoring (AVM) systems is governed by interim provisions set forth in § 90.239.

§ 90.103 Radiolocation service.

(a) *Eligibility.* The following persons are eligible for authorizations in the Radiolocation Service to operate stations to determine distance, direction, speed, or position by means of radiolocation devices, for purposes other than navigation:

(1) Any person engaged in a commercial, industrial, scientific, educational, or local government activity

(2) A corporation or association that will furnish radiolocation service to other persons.

(3) A corporation that will furnish a nonprofit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary where the party to be served is regularly engaged in any of the eligibility activities set forth in this paragraph.

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Radiolocation Service, together with the class of station(s) to which they are normally assigned, and the specific assignment limitations, which are explained in paragraph (c) of this section:

Radiolocation Service Frequency Table

Frequency or band	Class of station(s)	limitation
Kilohertz:		
70 to 90	Radiolocation land or mobile.	1
90 to 110	Radiolocation land.	
110 to 130	Radiolocation land or mobile.	1
1605 to 1715	do	4, 5, 6
1715 to 1750	do	5, 6
1750 to 1800	do	5, 6, 7
3230 to 3400	do	6, 8
Megahertz:		
420 to 450	do	21
2450 to 2500	do	9
2900 to 3100	do	10, 11
3100 to 3300	do	12
3300 to 3500	do	12, 13
3500 to 3700	do	12
5250 to 5350	do	12
5350 to 5460	do	10, 14
5460 to 5470	do	10, 15
5470 to 5600	do	10, 11
5600 to 5650	do	10, 16
8500 to 9000	do	12, 17
9000 to 9200	do	10, 14
9200 to 9300	do	12
9300 to 9500	do	10, 15, 18
9500 to 10,000	do	12
10,000 to 10,500	do	12, 13, 19
10,500 to 10,550	do	20
13,400 to 14,000	do	12
15,700 to 17,700	do	12
24,050 to 24,250	do	12
33,400 to 36,000	do	12

Radiolocation Service Frequency Table—Continued

(c) Explanation of assignment limitations appearing in the frequency table of paragraph (b) of this section:

(1) This frequency band is shared with and stations operating in this frequency band in this service are on a secondary basis to stations licensed in the International Fixed Service and the Maritime Mobile Service.

(2) This frequency band is shared with and stations operating in this frequency band in this service are on a secondary basis to the LORAN Navigation System; all operations are limited to radiolocation lands stations in accordance with footnote US104, section 2.106 of this chapter.

(3) [Reserved]

(4) Non-Government radiolocation service in this band is on a secondary basis to stations in the Aeronautical Radionavigation Service operating on 1638 or 1708 kHz.

(5) Station assignments on frequencies in this band will be made subject to the conditions that the maximum output power shall not exceed 375 watts and the maximum authorized bandwidth shall not exceed 2 kHz.

(6) Because of the operation of stations having priority on the same or adjacent frequencies in this or in other countries, frequency assignments in this band may either be unavailable of may be subject to certain technical of operational limitations. Therefore, applications for frequency assignments in this band shall include information concerning the transmitter output power; the type and directional characteristics of the antenna and the minimum hours of operation (GMT).

(7) This band is shared with the Disaster Communications Service (Part 99) and operations are on a secondary basis to that service between local sunset and local sunrise, or at any

time during an actual or imminent disaster. Local sunrise and sunset times shall be derived from the 1946 American Nautical Almanac. Each frequency assignment in this band is on an exclusive basis within the daytime primary service area to which assigned. The daytime primary service area is the area where the signal intensities are adequate for radiolocation purposes during the hours from sunrise to sunset from all stations in the radiolocation system of which the station in question is a part; that is, the primary service area of the station coincides with the primary service area of the system. The normal minimum geographical separation between stations of different licensees shall be at least 580 km. (360 mi.) when the stations are operated on the same frequency or on different frequencies separated by less than 3 kHz. Where geographical separation of less than 580 km. (360 mi.) is desired under these circumstances it must be shown that the desired separation will result in protection ratio of at least 20 decibels throughout the daytime primary service area of other stations. Applications in this band are placed on public notice in accordance with § 1.962 of this chapter. Where the number of applicants requesting authority to serve an area exceeds the number of frequencies available for assignment; or where it appears that fewer applicants or licensees than the number before it should be given authority to serve a particular area; or where it appears that an applicant, either directly or indirectly, seeks to use more than 25 kHz of the available spectrum space in this band, the applications may be designated for hearing.

(8) Frequencies in this band may only be assigned to radiolocation stations which are also assigned frequencies in the 1605-1800 kHz band, provided the use of frequencies in this band is necessary for the proper functioning of the particular radiolocation system. Operations in this band are on a secondary basis to stations operating in accordance with the Commission's table of frequency allocations contained in § 2.106 of this chapter.

(9) This band is allocated to the radiolocation service on a secondary basis to other fixed or mobile services and must accept any harmful interference that may be experienced from such services or from the industrial, scientific, and medical (ISM) equipment operating in accordance with part 18 of this chapter.

(10) Speed measuring devices will not be authorized in this band.

(11) This frequency band is shared with and is on a secondary basis to the Maritime Radionavigation Service (part 83) and to the Government Radiolocation Service.

(12) This frequency band is shared with and is on a secondary basis to the Government Radiolocation Service.

(13) Operations in this band are limited to survey operations using transmitters with a peak power not to exceed 5 watts into the antenna.

(14) This frequency band is shared with and is on a secondary basis to the Aeronautical Radionavigation Service (part 87) and to the Government Radiolocation Service.

(15) The non-Government Radiolocation Service in this band is secondary to the Maritime Radionavigation Service (part 83), the Aeronautical Radionavigation Service (part 87) and the Government Radiolocation Service.

(16) This frequency band is shared with and is on a secondary basis to the Maritime Radionavigation Service (part 83) and the Government Meteorological Aids Service.

(17) Operation in this frequency band is on a secondary basis to airborne Doppler radars at 8800 MHz.

(18) Radiolocation installations will be coordinated with the Government Meteorological Aids Service, and insofar as practicable, will be adjusted to meet the needs of that service.

(19) Operations in this band are on a secondary basis to the Amateur Radio Service (part 97). Pulsed emissions are prohibited.

(20) This band is restricted to radiolocation systems using type A0 emission with a power not to exceed 40 watts into the antenna.

(21) Non-Government pulse-ranging radiolocation stations in this band are secondary to the Government Radiolocation Service and the Amateur Radio Service. Stations authorized pursuant to this footnote must cease operation on or before January 1, 1981. All power and antenna height specifications shall be made on a case-by-case basis.

(d) *Additional frequencies for automatic vehicle monitoring (AVM) systems.* The frequency bands 903-904 MHz, 904-912 MHz, 918-926 MHz, and 926-927 MHz may be assigned for AVM operations in accordance with § 90.239 except that for corporations rendering service to others under paragraph (a)(2) of this section, such operations are limited to the 904-912 MHz and 918-926 MHz bands.

(e) *Other additional frequencies available.* Radiolocation stations in this service may be authorized, on request, to use frequencies allocated exclusively to Federal Government stations, in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary or required for coordination with Government activities.

Subpart G—Applications and Authorizations

§ 90.111 Scope.

This subpart contains the procedures and requirements for the filing of applications for authority to operate radio facilities under this part.

§ 90.113 Station authorization required.

No radio transmitter shall be operated in the services governed by this part except under and in accordance with a proper authorization granted by the Commission.

§ 90.115 Ineligiblity of foreign governments.

No station authorization in the radio services governed by this part shall be granted to or held by a foreign government or its representative.

§ 90.117 Applications for radio station authorizations.

Persons desiring a radio station authorization must first submit an appropriate application. Prescribed application forms are listed in § 90.119. They may be obtained from the Washington, D.C., office of the Commission, or from any of its engineering field offices. (See § 90.145 for information regarding special temporary authorizations.)

§ 90.119 Application forms.

The following application forms shall be used—

(a) Except as provided for in paragraph (c) of this section, Form 400 shall be used to apply:

(1) For new base, fixed, or mobile station authorizations governed by this part.

(2) for modification or for modification and renewal of an existing authorization. (See § 90.135.)

(3) For the Commission's consent to the assignment of an authorization to another person or entity. In addition, the application shall be accompanied by a letter from the assignor setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of the station, and that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Form 1046 may be used in lieu of this letter.

(b) Except as provided for in paragraph (c) of this section, Form 405-A shall be used to apply for a renewal without modification of a station license.

(c) Form 425 shall be used in lieu of Form 400 and 405(a) to submit applications specifying any frequency in the band 470-512 MHz. (See also Subpart O.)

(d) A separate application shall be submitted on FCC form 703 whenever it is proposed to change, as by transfer of stock ownership, the control of a corporate licensee.

§ 90.121 Canadian registration.

Form 410 shall be filed by Canadian licensees desiring to operate in the United States under the terms of Article 2 and 3 of the Convention between the United States and Canada concerning operation of Certain Radio Equipment or Stations (which entered into force May 15, 1952). This form may be obtained from the Department of Communications, Ottawa, Canada. That department should also be consulted by U.S. licensees desiring to operate in Canada.

§ 90.123 Full disclosures.

(a) Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters required to be disclosed by the application forms.

(b) Each application shall be clear and complete in itself without cross reference to information previously filed. An application for modification of an existing station must show in precise detail all particulars of the desired operation, including those not affected by the modification.

§ 90.125 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee if the applicant is * * * a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in fact in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorneys belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies must, however, conform in all other particulars to such originals.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, Section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to Section 312(a)(1) of the Communications Act of 1934, as amended.

§ 90.127 Filing of applications.

(a) All applications for station authorizations and related correspondence shall be submitted to the Commission's Office at Washington, D.C. 20554, directed to the attention of the Secretary.

(b) Unless otherwise specified, an application should be filed at least 60 days prior to the desired date of Commission action. Applications for renewal should be filed no more than 90 days nor less than 30 days prior to the end of the license term. When timely and sufficient application for renewal of the license has been made, the license shall not expire until Commission action on the application has been completed.

§ 90.129 Supplemental information to be routinely submitted with applications.

Each application shall be accompanied by the appropriate information listed below:

(a) Evidence of frequency coordination as required by § 90.175.

(b) Description of any equipment proposed to be used if it does not appear on the Commission's current Radio Equipment List, Equipment Acceptable for Licensing, and designated for use under this part.

(c) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate, if the station is part of a system involving two or more stations at different fixed locations.

(d) Agreements and statements required under § 90.179 if the stations will be cooperatively shared with others under the provisions of that section.

(e) Applicants proposing to construct a radio station in the vicinity of radio astronomy observatories in West Virginia or in the vicinity of a radio receiving zone in Colorado must submit the statements prescribed by § 90.177.

(f) Statements required in connection with developmental operation, as specified in § 90.505.

(g) The narrative statement required by subpart I, part 2 of this chapter concerning environmental impact, if required. See section 1.1101-1.1319.

(h) Requests for authorization to communicate with foreign stations in accordance with § 90.19(c) or § 90.417;

(i) Showings required in connection with the use of frequencies in the band 806-866 MHz as specified in subpart M.

(1) Any statements or showings required in connection with the use of the frequency requested.

(j) Any other statements or other data specifically required under special circumstances which are set forth in the applicable subpart of this part, by the particular form on which the application is filed or upon request by the Commission.

(k) If the applicant proposes to use a multiple-licensed transmitter, he must provide the name of the owner and the names and call signs of any other licensees of that transmitter.

(l) All applications for new stations to be interconnected with the facilities of wire line common carriers shall include a complete description of the equipment, devices, and techniques to be used to accomplish interconnection to show compliance with applicable provisions of subpart O.

§ 90.131 Amendment or dismissal of applications.

(a) Any application, except for mutually exclusive applications or those against which a petition to deny has been filed, may be amended as a matter of right at any time prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner as required for the original application. The procedures for amending applications mutually exclusive under this part, applications against which a petition to deny has been filed, and applications designated for hearing are set forth in § 1.918.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 90.135 Modification of license.

(a) The following changes in authorized stations require an application for modification of license:

(1) Any change in frequency.

(2) Any change in the type of emission.

(3) Any increase in output power beyond that authorized.

(4) Any increase in antenna height beyond that authorized.

(5) Any increase in the number of transmitters or control points beyond that authorized.

(6) Any change in the authorized location of the base of fixed transmitter or control point or the area of mobile operation.

(7) Any change in ownership, control, or corporate structure.

(8) Any change in class of station.

(b) The following changes do not require an application for modification of license:

(1) Change in mailing address of licensee.

(2) Change in name only of licensee, without changes in the ownership, control, or corporate structure.

(3) Any other change not listed in paragraph (a) of this section.

(4) In case of a change listed in subparagraph (1) or (2) of this paragraph, the licensee shall promptly notify the Commission of such change.

The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name or address, the call signs and classes of all radio stations authorized to the licensee under this part and the radio service in which each station is authorized. The notice shall be sent to the Secretary, Federal Communications Commission, Washington, D.C. 20554, and to the Engineer in Charge of the Radio District in which the station is located, and a copy shall be maintained with the license of each station until a new license is issued.

§ 90.137 Applications for operation at temporary locations.

(a) An application for authority to operate a base station or a fixed station at temporary locations may be submitted in accordance with the following:

(1) When one or more individual transmitters are to be operated by a licensee as a base station or as a fixed unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary locations.

(2) The application must specify the general georgaphic area within which the operation will be confined. The area may be specified as a city, a county or counties, a State or States or other definable geographic area.

(b) When any unit or units of a base station or fixed station which are authorized for operation at temporary locations actually remain or are intended to remain at the same location for more than 1 year, an application for a separate authorization specifying the fixed location shall be made as soon as possible, but not later than 30 days after the expiration of the 1-year period.

§ 90.138 Applications for itinerant operation

An application for authority to conduct an itinerant operation must be restricted to use of itinerant frequencies and need not be accompanied by evidence of frequency coordination. Users should be aware, however, that no protection is provided from interference from other itinerant operations.

§ 90.139 Preliminary processing of applications.

(a) Applications received for filing are given a file number. The assignment of a file number to an application is for administrative convenience and does not indicate the acceptance of the application for filing and processing.

(b) Applications which are incomplete with respect to answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects. In addition, if an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed. Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission, will be considered defective and may be dismissed unless accompanied by a request in accordance with § 90.151 of this part.

§ 90.141 Resubmitted applications.

Any application which has been returned to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the Commission within 30 days (45 days outside continental United States) from the date on which it was returned to the applicant. Otherwise it will be treated as a new application for the purpose of processing considerations.

§ 90.143 Grants of applications.

(a) The Commission will grant an application for a station authorization without a hearing if it is in proper form, and conforms with all rule requirements, and would serve the public interest, convenience or necessity.

(b) The Commission may grant any application in part, or add privileges, terms or conditions not requested. When such action is taken without a hearing, the applicant may accept the authorization as granted, or may return it to the Commission along with a written request for a hearing. Any such request for hearing must be made within 30 days from the date of the grant, or from its effective date, if a later date is specified. Upon receipt of a request for hearing, the Commission will vacate the grant and designate the application for hearing in the usual manner.

§ 90.145 Special temporary authority.

(a) In circumstances requiring the temporary use of radio facilites, the Commission may issue special temporary authority for new or modified operations. A request for special temporary authority may be made in letter form signed in accordance with § 90.125 of this part. It should be submitted, in duplicate, at least 10 days prior to the date of the proposed operation. However, in cases of emergency involving danger to life or property, or due to damage to equipment, the request may be made by telephone or telegraph under the condition that a letter request is submitted within the following 10 days. All requests for special temporary authority shall be clear and complete within themselves and shall not rely on any pending application.

(b) Every request for special temporary authority should contain the following information:

(1) Name and address of the applicant;

(2) Need for special action, including a description of any emergency or damage of equipment;

(3) Type of operation to be conducted (such as field test, dispatching etc.);

(4) Purpose of operation;

(5) Times and dates of operation;

(6) Class of station and name of radio service;

(7) Location, including geographical coordinates if known, of transmitter and/or mobile area of operations;

(8) Number of fixed transmitters and number of mobile units;

(9) Operating frequency;

(10) Output power of the transmitter;

(11) Type of emission;

(12) Description of antenna, including height above ground and power gain;

(13) Statement of eligibility for a radio service under this part.

§ 90.147 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

§ 90.149 License term.

(a) Licenses for stations authorized under this part will normally be issued for a term of 5 years from the date of original issuance, modification, or renewal, except that, in some instances, a term of from 1 to 5 years will be applied, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(b) Authorizations for stations engaged in developmental operation under subpart P of this part will be issued upon a temporary basis for a specific period of time, but in no event to extend beyond 1 year from date of original issuance, modification or renewal.

§ 90.151 Requests for waiver.

Requests for waiver shall show the nature of the waiver or exception desired, and set forth the reasons in support thereof to include a showing that unique circumstances are involved and that there is no reasonable alternative solution within existing rules. Applications may be dismissed if the accompanying petition for waiver of rules does not set forth reasons which, sufficient if true, would justify a wavier or exception.

§ 90.153 Transfer or assignment of station authorization.

A station authorization and the rights it grants shall not be transferred, assigned, or in any manner disposed of to any person, unless the Commission shall, after obtaining full information, decide that the transfer, assignment, or disposal is in the public interest, convenience or neccessity and give its consent in writting.

§ 90.155 Time in which station must be placed in operation.

All stations authorized under this part must be placed in operation within 8 months from the date of grant or the authorization shall be invalid and must be returned to the Commission for cancellation.

§ 90.157 Discontinuance of station operation.

If a station licensed under this part discontinues operation on a permanent basis, the licensee shall forward the station license to the Commission for cancellation. A copy of the request for cancellation shall be sent to the Engineer in Charge of the district in which the station is located. For the purposes of this section, any station which has not operated for 1 year or more is considered to have been permanently discontinued.

Subpart H—Policies Governing the Assignment of Frequencies

§ 90.171 Scope.

This subpart contains detailed information concerning the policies under which the Commission assigns frequencies for the use of licensees under this part, frequency coordination procedures, and procedures under which licensees may cooperatively share radio facilities.

§ 90.173 Policies governing the assignment of frequencies.

(a) The frequencies which ordinarily may be assigned to stations in the services governed by this part are listed in subparts B, C, D, E, and F of this part. Except as otherwise specifically provided in this part, frequencies assigned to land mobile stations are available on a shared basis only and will not be assigned for the exclusive use of any licensee.

(b) All applicants and licensees shall cooperate in the selection and use of frequencies in order to reduce interference and make the most effective use of the authorized facilities. Licensees of stations suffering or causing harmful interference are expected to cooperate and resolve this problem by mutually satisfactory arrangements. If the licensees are unable to do so, the Commission may impose restrictions including specifying the transmitter power, antenna height, or area or hours of operation of the stations concerned. Further the use of any frequency at a given geographical location may be denied when, in the judgment of the Commission, its use in that location is not in the public interest; the use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions, contained in this part or in the station authorization.

(c) Frequencies allocated for Federal Government radio stations under Executive order of the President may be authorized for the use of stations in these services upon appropriate showing by the applicant that such assignment is necessary for inter-communication with government stations or required for coordination with activities of the Federal Government, and where the Commission finds, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

(d) The radio facilities authorized under this part are intended for use in connection with and as an adjunct to the primary governmental or business activities of the licensee.

(e) Persons requesting authority to operate in the band 25–50 MHz should recognize that this band is shared with various services in other countries and that harmful interference may be caused by the propagation of signals in this band from distant stations. No protection from such harmful interference generally can be expected.

(f) In the 150–170 MHz band, no application will be granted which proposes a base station located less than 16 km (10 mi.) from an existing base station on a frequency 15 kHz removed. In the Taxicab Radio Service, the minimum separation is 12 km (7 mi.).

(g) In the States of Alaska and Hawaii, and in areas outside the continental limits of the United States and the adjacent waters, the frequencies above 150.8 MHz which are listed elsewhere in this part as available for assignment to base stations or mobile stations in the Industrial and Land Transportation Radio Service, are also available for assignment to operational fixed stations in the same service, on a secondary basis.

(h) In the Public Safety Services listed in Subpart B, base stations may be authorized to operate on a secondary basis on frequencies below 450 MHz which are available to mobile stations.

(i) In the 450–470 MHz band, the frequencies are ordinarily assigned in pairs, with the mobile station transmit frequency 5 MHz above the paired base station transmit frequency. In the 470–512 MHz band, the frequencies are ordinarily assigned in pairs with the mobile station transmit frequency 3 MHz above the paired base station transmit frequency. A mobile station may be assigned the frequency which would normally be assigned to a base station for single-frequency operation. However, this single-frequency operation may be subject to interference that would not occur to a two-frequency system.

§ 90.175 Frequency coordination requirements.

Except for applications listed in paragraph (e) of this section, each application: (1) for a new frequency assignment, or (2) for a change in existing facilities by increasing the authorized power, raising the authorized antenna height, or changing the authorized station location or the location of the antenna; or (3) for the addition of a base station within the licensee's existing area of operation, shall include

a showing of frequency coordination as set forth in either paragraph (a) or (b) of this section.

(a) For frequencies below 470 MHz:

(1) A report based on a field study indicating the degree of probable interference to all existing co-channel stations within 120 km. (75 mi.) of the proposed station, together with a statement that all such co-channel licensees have been notified of the applicant's intention to apply. In addition, for frequencies in the range 150–170 MHz, a report based on a field study indicating the degree of probable interference to existing stations located between 16 and 56 km. (10 and 35 mi.) (12 and 56 km. for taxicabs) from the proposed station, operating on a frequency 15 kHz removed, and a statement that the licensee of all such stations have been notified of the applicant's intention to apply. Or,

(2) A statement from a frequency coordinating committee recommending the frequency which, in the opinion of the committee, will result in the least amount of interference to all 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. If the frequency recommended is in the 150–170 MHz band, is 15 kHz removed from 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.

(b) For frequencies between 470 and 512 MHz:

(1) A report showing that the frequencies applied for are available for assignment in accordance with the applicable loading and separation standards, as specified in § 90.317 and § 90.303, or;

(2) A statement from a frequency coordinating 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.

(c) Any recommendation submitted in accordance with Subparagraphs (a)(2) or (b)(2) of this section is purely advisory in character and is not binding on either the applicant or the Commission. The recommendation may not contain statements implying that anyone other than the Commission has the power to grant or deny applications. Applicants are advised not to purchase radio equipment on specific frequencies until a valid authorization has been obtained.

(d) Applications for facilities near the Canadian border north of line A or east of line C in Alaska may require coordination with the Canadian government. See Section 1.955 of this chapter.

(e) The following applications need not be accompanied by evidence of frequency coordination:

(1) Applications in the Police, Highway Maintenance, or Forestry Conservation Radio Services from States requesting frequencies available only in accordance with a geographical assignment plan.

(2) Applications in the Special Emergency Radio Service, except as required by § 90.53(b)(8).

(3) Applications for a Federal Government frequency.

(4) Applications for a frequency allocated primarily for the operation of and affording no protection from industrial, scientific, and medical (ISM) devices, (27 MHz band).

(5) Applications for a frequency in the 72–76 MHz band for operational fixed stations.

(6) Applications for a frequency in the band 216–220 MHz.

(7) Applications for a frequency below 25 MHz.

(8) Applications for a frequency above 512 MHz.

(9) Applications for a frequency allocated primarily for developmental operation.

(10) Applications in the Business Radio Service for a frequency below 450 MHz where both frequencies immediately adjacent (±20 or 30 kHz) are available for assignment in that service, or where the frequency is available pursuant to § 90.75(d)(4).

(11) Applications in the Special Industrial Radio Service or the Business Radio Service specifying an itinerant operation only.

(12) Application in the Radiolocation Radio Service.

§ 90.177 Protection of certain radio receiving locations.

This section pertains to applications for new or modified authorizations in the vicinity of the National Radio Astronomy Observatory, Green Bank, Pocahontas County, W. Va., the Naval Radio Research Observatory, Sugar Grove, Pendleton County, W. Va., or the Table Mountain Radio Receiving Zone, Boulder County, Colo.

(a) Any applicant for a new permanent base or fixed station, or for a modification of an existing authorization which would change the frequency, power, antenna height, directivity, or location within the boundaries described in paragraph (b) of this section shall notify the Director, National Radio Astronomy Observatory, P.O. Box 2, Green Bank, W. Va. 24944, in writing, of the technical parameters of the proposal.

(1) The notification shall be made prior to, or simultaneously with the filing of the application with the Commission.

(2) The notification shall state the geographical coordinates of the antenna, antenna height, antenna directivity, proposed frequency, type of emission, and effective radiated power.

(3) After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(4) The provisions of this paragraph do not apply to applications for mobile, temporary base, or temporary fixed stations.

(b) The area of concern for the National Radio Astronomy Observatory or the Naval Radio Research Observatory is the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south, and 80°30′ W. on the west.

(c) Protection for Table Mountain Radio Receiving Zone, Boulder County, Colo. Applicants for a station authorization to operate in the vicinity of Boulder County, Colo., under this part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the Research Laboratories of the Department of Commerce, Boulder County, Colo. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to insure that field strengths at 40°07′50″ N. Latitude, 105°14′40″ W. Longitude, resulting from new assignments (other than mobile stations) or from modification or relocation of existing facilities do not exceed the following values:

Frequency range	Field strength (millivolt per meter) in authorized bandwidth of service	Power flux density [1] (decibel watt per square meter) in authorized bandwidth of service
Below 540 kHz	10	−65.8
540 to 1600 kHz	20	−59.8
1.6 to 470 MHz	10	−65.8
470 to 890 MHz	30	−56.2
Above 890 MHz	1	−85.8

[1] Equivalent values of power flux density are calculated assuming a free space characteristic impedance of 376.7 ≅ 120π ohms.

(1) Advance consultation is recommended particularly for those applicants who have no reliable data indicating whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities. In such instance, the following is a suggested guide for determining whether coordination is appropriate:

(i) All stations within 2.4 km (1.5 statute miles);

(ii) Stations within 4.8 km (3 statute miles) with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations within 16 km (10 statute miles) with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone;

(iv) Stations within 80 km (50 statute miles) with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone.

(2) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, Research Support Services, NOAA/R5X3, Boulder Laboratories, Boulder, Colo. 80302; in advance of filing their applications with the Commission.

(3) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce or proceedings to modify any authorization which, in fact, permits a signal at the reference point in excess of the field strength specified herein.

§ 90.179 Cooperative use of Public Safety and Special Emergency Land Mobile Radio Stations.

Arrangements may be made between two or more persons for the cooperative use of radio station facilities in the Public Safety and Special Emergency Radio Services provided all persons sharing in the use of a station are eligible to hold licenses to operate the particular type of station shared. Such arrangements shall be governed by the following:

(a) *Agreements relating to control.* (1) A group of persons eligible for a license in the same radio service may share the use of a base station or a base and mobile station licensed to one member of the group provided there is on file with the Commission, and maintained with the records of the station, a copy of the agreement under which such shared operation shall take place. Such agreement should provide that the licensee of the station shall be in control of the operation of the station and that all use of its facilities shall take place only under the direction and supervision of an employee of the licensee.

(2) Subscribers to such service may either obtain a separate license to cover the mobile transmitters which they use or the mobile transmitters may be included in the license of the base station from which service is rendered. In the latter case the coordinated service agreement should specifically cover use of such mobile units and indicate that the licensee would be in control of such units.

(b) *Contributions to operating costs.* Coordinated service may be rendered without cost to subscribers or contributions to capital and operating expenses may be accepted by the licensee. Such contributions must be on a cost-sharing basis and pro-rated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its nonprofit, cost-sharing nature shall be maintained by the base station licensee and held available for inspection by a Commission representative.

(c) *Letter to accompany application.* Each application for a mobile station proposing to receive coordinated service shall be accompanied by a letter from the licensee of the base station concerned indicating that the proposed coordinated service will be rendered.

§ 90.181 Cooperative use of industrial and radiolocation land mobile radio stations

(a) Arrangements may be made between two or more persons for the cooperative use of radio station facilities, provided that all such persons are eligible in the same radio service. When two or more persons want to share use of a base station licensed to only one of those persons, arrangements may be made in either of the following two ways:

(1) A person who is to receive service from a base station licensed to a person other than himself may obtain a license for his own mobile radio units. The application for such license shall be accompanied by an application from the licensee of the base station for modification of his license to permit rendition of the desired service. The application for modification of the base station license shall name the person to be served and may be filed either on FCC form 400 or by letter, in duplicate; or

(2) A person who is to furnish base station service to mobile radio units installed in vehicles owned and operated by persons other than himself may, if he desires, be licensee of these mobile radio units. Each person owning and operating such mobile radio units shall enter into a written agreement giving the licensee thereof the sole right of control over such units, and that agreement shall be kept as a part of the records of the base station. The operator of each vehicle shall operate the radio units subject to the orders and instructions of the base station operator. The licensee shall at all times have such access to, and control of the mobile radio equipment as will enable him to discharge his responsibilities under the Communications Act.

(b) A base station licensee who enters into a cooperative arrangement in accordance with the provisions of paragraph (a)(1)(ii) of this section shall obtain prior approval from the Commission for each person who proposes to enter into said arrangement.

(c) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

(1) The arrangement may be without charge. If so, the records of the base station or fixed station licensee shall so indicate.

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, nonprofit basis, said costs to be prorated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its nonprofit, cost-sharing nature shall be maintained by the base station licensee and held available for inspection by Commission representatives. An audited financial statement reflecting the nonprofit cost-sharing nature of the arrangement shall be submitted annually to the Commission's Washington office no later than 3 months after the close of the licensee's fiscal year.

(d) A licensee may install mobile units licensed to him in the vehicles of persons furnishing to the licensee, under contract, and for the duration of the contract only, a facility or service directly related to the activities that constituted eligibility for the station licensee in the service in which he is authorized. The licensee shall maintain exclusive control over the operation of the units. In order to maintain such control, each person in whose vehicles the mobile units of the licensee are to be installed shall enter into a written agreement with the licensee verifying that the licensee has the sole right to control the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator, and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his reponsibilities under his license. A copy

of the agreement with vehicle owners required hereby shall be kept with the station records.

§ 90.183 Cooperative use of land transportation land mobile radio stations.

The use of facilities licensed in the Land Transportation Radio Service for the transmission of reception or any communication which relates solely to the conduct of the activity or activities of a person other than the licensee of those facilities is defined as the rendition of a private radiocommunication service to such other person by the licensee. The installation and use of mobile units, operated under the licensee's station authorization, in the vehicles of other persons furnishing the licensee, under contract, services or facilities within the purview of the established scope of the service in which the station is authorized, in accordance with the provisions of §§ 93.357 and 93.506, shall not be considered the rendition of a private radiocommunication service when the communications involved relate solely to the furnishing of such services or facilities to the licensee. Except for emergency communications, or except for authorized communications relating to civil defense, any rendition of a private radiocommunication service by a station in the Land Transportation Radio Services shall be governed by the following:

(a) The licensee of a base station may render a private radiocommunication service to the licensee(s) of a mobile station or stations in the Land Transportation Radio Services, without specific advance approval by the Commission, upon satisfaction of the following conditions:

(1) The frequency upon which the base station is operated shall be one which would be available for assignment to base stations for use in connection with all the transportation activities involved.

(2) The rendition of the radiocommunication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base station shall maintain exclusive control over the operation of the base station; however, he may provide dispatch points (but not control points) for the use of the licensee of the mobile station.

(4) Except upon specific authorization by the Commission, the licensee of a base station shall not serve a greater number of mobile units of any other person than the number of mobile units of the licensee served by the same base station.

(b) The licensee of a base station may install mobile units, operated under an authorization held by him, in the vehicles of other persons who are separately engaged in transportation activities and may render a private radiocommunication service to the vehicles in which those mobile units are installed only upon specific advance approval by the Commission with respect to every person to whom such radiocommunication service is to be rendered and upon satisfaction of the following additional conditions:

(1) The frequency or frequencies upon which the base and mobile station(s) are operated shall be one(s) which would be available for assignment to base and mobile stations, respectively, for use in connection with all of the transportation activities involved.

(2) The rendition of the radiocommunication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base and mobile station(s) shall maintain exclusive control over the operation of the base and mobile station(s); however, he may provide dispatch points (but not control points) for the use of the persons receiving the radiocommunication service. In order to maintain such control, each person in whose vehicles the mobile units of the licensee are proposed to be installed shall enter into a written agreement verifying that the licensee has the sole right of control of the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator, and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under the license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records and held available for inspection by Commission representatives but need not be submitted to the Commission unless specifically requested in a particular case.

(4) Except upon specific authorization by the Commission, the licensee of a base station shall not serve a greater number of mobile units of any other person than the number of mobile units of the licensee served by the same base station.

(c) A licensee authorized under the provisions of the various subparts of this part which make eligible in certain of these services a nonprofit corporation or association organized for the purpose of furnishing a private radiocommunication service to persons engaged in the respective activities may render that communication service only upon specific advance approval by the Commission with respect to every person to whom such radiocommunication service is to be rendered and upon satisfaction of the following additional conditions:

(1) The frequency or frequencies upon which the base and mobile station(s) are operated shall be one(s) which would be available for use in connection with all of the transportation activities involved.

(2) The rendition of the radiocommunication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base and mobile station(s) shall maintain exclusive control over the operation of the base and mobile station(s) involved; however, he may provide dispatch points for the use of persons receiving the radiocommunication service. Control points may be provided only upon receiving the prior approval of the Commission in each case.

(d) All arrangements for the rendition of a private radiocommunication service in accordance with the provsions of the preceding paragraphs of this section shall be either on a no-charge basis or on a non-profit, cost-sharing basis pursuant to a written contract between the parties concerned. Such contract shall clearly establish that the licensee has full access to and exclusive control over the radio equipment operated under the authority of the license held by him; and that contributions to capital and operating expenses are accepted only on a cost-sharing non-profit basis, said costs to be prorated on an equitable basis among all persons who are parties to the arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base (or fixed) station licensee and held available for inspection by Commission representatives.

(e) In order to comply with the requirement of specific advance approval contained in paragraphs (b), and (c) of this section, a licensee proposing to render a private radio communication to any other person (other than to render base station service to the licensee of a mobile station) shall make application for authority to render that service with respect to each base station involved, naming each person who is to receive service and including a description of the kind and extent of the transportation activity in which each is engaged. When the radio communication service is to be rendered on a regular basis, the requests for such authority shall be made on FCC Form 400. However, if the service is to be rendered on an irregular or temporary basis, the request may be in the manner provided for in § 93.53. Upon approval of the request, the Commission will designate the persons to whom service may be rendered on the

station authorization or in the special temporary authority which shall be kept with the station records.

§ 90.185 Cooperative use of fixed radio stations.

(a) Licensees and persons eligible to become licensees of operational fixed stations under this part may make cooperative use of such licensed facilities under the conditions and subject to the limitations specified in this section.

(b) Such licensed facilities may be cooperatively used and shared only by: (1) Persons licensed or eligible to be licensed within the same radio service; or by (2) Government entities, units or subunits right-of-way companies, or enterprises whose rates and services are regulated by a governmental authority or body, regardless of whether such entities, units, subunits, companies, or enterprises are licensed or eligible to be licensed within the same radio service.

(c) The cooperative use of licensed facilities is authorized only on frequencies for which all participants would be separately eligible for assignment.

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost-sharing nonprofit basis, prorated equitably, among all participants using the facilities, or (3) on a reciprocal basis (e.g., use of one licensee's facilities in exchange for the use of another licensee's facilities) without charge for either capital or operating expense, pursuant to a written contract between the licensees involved.

(e) Each licensee sharing its facilities under this section shall maintain records showing the cost of the facilities and their operation and use, the charges made to and payments made by each of those using the facilities or contributing to their capital cost or operating expense, and such records shall be available for inspection by the Commission.

(f) Each licensee sharing its facilities under this section shall file a notification with the Commission 30 days prior to the use of its facilities by any other person that has not been specified in its license application or in a prior notification to the Commission containing the following information:

(1) Name and description of the licensee;

(2) Call sign of the station or stations;

(3) The radio service in which the station is licensed;

(4) The names of all prospective participants in the cooperative use of the station and a description of each participant sufficient to show its eligibility for participation under this section and its eligibility to use the frequencies assigned to the station; and

(5) A copy of the contract between the parties for the cooperative use of the facilities.

(g) The licensee may institute the service described in the notification filed pursuant to paragraph (f) of this section 30 days after filing unless the Commission during that period notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under these regulations, and the licensee shall then have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter, or at such earlier date as the Commission may set upon finding that the inadequacy or defect has been remedied.

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis shall file an annual report with the Commission, using FCC Form 402-A, within 90 days of the close of its fiscal year containing:

(1) A financial statement of operations during the preceding fiscal year in sufficient detail to show compliance with the requirements of this section;

(2) The names of those who have shared the use of the facilities during the preceding fiscal year;

(3) A brief statement as to the use of the facilities made by each person sharing the use and an estimate of the approximate percentage of use by each participant during the preceding fiscal year; and

(4) Any change in the items previously reported to the Commission concerning such facilities or their use in the application for the license or in a notification under this section.

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration from any other participants, or on a reciprocal basis, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

(j) The licensee shall inform the Commission whenever the cooperative use of any of its facilities in accordance with this section is permanently discontinued.

(k) This section authorizes the sharing of facilities of fixed stations using mobile frequencies in the 25-50, 150-173, and 450-470 MHz bands on a secondary basis only by persons all of whom are licensed or are eligible to be licensed in the same radio service.

Subpart I—General Technical Standards

§ 90.201 Scope

This subpart sets forth the general technical requirements for use of frequencies and equipment in the radio services governed by this part. Such requirements include standards for acceptability of equipment, frequency tolerance, modulation, emissions, power, and bandwidths. Special additional technical standards applicable to certain frequency bands and certain specialized uses are set forth in subparts J, K, M, and N.

§ 90.203 Type acceptance required.

(a) Except as specified in paragraph (b) of this section, each transmitter utilized for operation under this part and each transmitter marketed as set forth in section 2.803 (of part 2) must be of a type which is included in the Commission's current Radio Equipment List as type accepted or type approved for use under this part; or, be of a type which has been type accepted or type approved by the Commission for use under this part in accordance with the procedures in subparagraph (2) of this paragraph.

(1) The Commission periodically publishes a list of equipment entitled "Radio Equipment List, Equipment Acceptable for Licensing." Copies of this list are available for public reference at the Commission's offices in Washington, D.C., and at each of its field offices. This list includes type accepted and type approved equipment and, also, until such time as it may be removed by Commission action, other equipment which appeared in this list on May 16, 1955.

(2) Any manufacturer of radio transmitting equipment (including signal boosters) to be used in these services may request type acceptance or type approval for such equipment following the procedures set forth in subpart J of part 2 of this chapter. Type acceptance or type approval for an individual transmitter or signal booster also may be requested by an applicant for a station authorization by following the procedure set forth in part 2 of this chapter. Such equipment if approved or accepted will not normally be included in the Commission's "Radio Equipment List" but will be individually enumerated on the station authorization.

(b) Type acceptance is not required for the following:

(1) Transmitters used in developmental operations in accordance with subpart P.

(2) Transmitters used for police zone and interzone stations authorized as of January 1, 1965.

(3) Transmitting equipment used in the band 1427-1435 MHz.

(4) Transmitters used in radiolocation stations in accordance with subpart F authorized prior to January 1, 1974, for public safety and land transportation applications (old parts 89 and 93).

(5) Transmitters used in radiolocation stations in accordance with subpart F authorized for industrial applications (old part 91).

(c) Radiolocation transmitters for use in public safety and land transportation applications marketed prior to January 1, 1974, must meet the applicable technical standards in this part, pursuant to section 2.805 of this chapter.

(d) Radiolocation transmitters for use in public safety and land transportation applications marketed after January 1, 1974, must comply with the requirements of paragraph (a) of this section.

§ 90.205 Power.

(a) Applications for authorizations must specify no more power than the actual power necessary for satisfactory operation. In cases of harmful interference, the Commission may order a change in power or antenna height or both.

(b) Except where otherwise specifically provided, the maximum power that will be authorized is as follows:

Frequency range (megahertz)	Maximum output power	Maximum effective radiated power (watts)
1.3 to 3	[1]1500	
3 to 25	[1][2]750	
25 to 100	300	
100 to 216	[3]350	
216 to 220	([3][4])	([4])
220 to 470	[3][5]350	
470 to 512		1000
806 to 821	([6])	([6])
851 to 866	([7])	([6])
1427 to 1435	([8])	
2450 to 2500	5	
2500 to 10,550	([6])	([6])
10,550 to 10,680	3	
Above 10,680	([6])	([6])

[1] For single sideband operations (A3J emission) below 10 MHz, the authorized power shall be stated in terms of peak envelope power, which is the average power supplied to the antenna transmission line by a transmitter during 1 radio frequency cycle at the highest crest of the modulation envelope taken under conditions of normal operation. The maximum peak envelope power permitted is 2 kW.

[2] In the frequency band 3 to 6 MHz, stations in the industrial services and the radiolocation radio service may be authorized up to 1500 W.

[3] Except as noted in footnote 5 the maximum output power in the Motor Carrier, Taxicab, Railroad, and Automobile Emergency Radio Services is 75 W.

[4] To be specified in the authorization.

[5] In the frequency band 450 to 470 MHz, stations in the land transportation radio services are limited to 75 W, however, they may be authorized up to 350 W for developmental operations in accordance with subpt. P.

[6] Specified in subpt. M.

[7] The output power of a transmitter on any authorized frequency in this band shall not exceed 200 W.

(c) The output power shall not exceed by more than 20 percent either the output power shown in the Radio Equipment List (available in accordance with section 90.203(a)(1) for transmitters included in this list or when not so listed, the manufacturer's rated output power for the particular transmitter specifically listed on the authorization.

§ 90.207 Types of emissions.

Normally operations authorized in the services governed by this part are intended to provide voice communications between stations. Accordingly, except as otherwise provided for in the following paragraphs, stations in these services will be authorized to use only A3 or F3 emission.

(a) Authorizations to use A3 or F3 emission also include the use of emissions for tone signals or signaling devices whose sole functions are to establish and to maintain communications, to provide automatic station identification, and for operations in the Public Safety and Special Emergency Radio Services, to activate emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

(b) The use of F3 emission in these services will be authorized only on frequencies above 25 MHz.

(c) Except for Travelers' Information Stations in the Local Government Radio Service authorized in accordance with § 90.242, only A3J emission will be authorized for telephony systems on frequencies below 25 MHz.

(d) For tone paging operations only A1, A2, F1, or F2 emission will be authorized.

(e) For radioteleprinter operations that may be authorized in accordance with § 90.237, only F2 or F9 emission will be authorized.

(f) For radiofacsimile operations that may be authorized in accordance with § 90.237, only F4 emission will be authorized.

(g) For AVM systems that may be authorized in accordance with § 90.239, only F1, F2, F3, F9, or P9 emission will be authorized.

(h) For telemetry operations only A1, A2, F1, F2, or F9 emission will be authorized.

(i) For call box operations that may be authorized in accordance with § 90.241, only A1, A2, F1, F2, or F3 emissions will be authorized.

(j) For radiolocation operations as may be authorized in accordance with subpart F, unless otherwise provided for any type of emission may be authorized upon a satisfactory showing of need.

(k) For stations in the Fire and Police Radio Services utilizing digital voice modulation in either the scrambled or unscrambled mode F3Y emission will be authorized. Authorization to use F3Y is construed to include the use of F9Y emission subject to the provisions of paragraphs (a), (b), and (d) of § 90.233.

§ 90.209 Bandwidth limitations.

(a) Each authorization issued to a station licensed under this part will specify the maximum authorized bandwidth to be occupied by the emission. The bandwidth in kilohertz will appear as a prefix to the emission classification. The specified band will contain those frequencies upon which 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

(b) The maximum authorized bandwidth of emission corresponding to the type of emission specified in § 90.207 of this part and the maximum authorized frequency deviation in the case of frequency or phase modulated emission shall be as follows:

(1) For all type A1 emission, the maximum authorized bandwidth shall be 0.25 kHz.

(2) Except as noted in subparagraph 3, the maximum authorized bandwidth for type A3 emission shall be 8 kHz.

(3) For type A3J operations below 10 MHz, the bandwidth occupied by the emission shall not exceed 3500 Hz. The frequency coinciding with the center of the authorized frequency band of emission shall be the assigned frequency. Both the authorized carrier frequency and assigned frequency shall be specified in the authorization. The authorized carrier frequency shall be 1400 Hz lower in frequency than the assigned frequency. Only upper sideband emission shall be used. In the case of regularly available double sideband radiotelephone channels, and assigned frequency for A3J emission is available either 1.6 kHz below or 1.4 kHz above the double sideband radiotelephone assigned frequency.

(4) For all F3 emission, on frequencies below 947 MHz, the maximum authorized bandwidth shall be 20 kHz and the maximum authorized frequency deviation shall be 5 kHz. However, stations authorized for operation on or before December 1, 1961, in the frequency band 73.0-74.6 MHz may continue to operate with a bandwidth of 40 kHz and a deviation of 15 kHz. For stations operating on frequencies above 947 MHz, except as provided in subparagraph (5), of this section the maximum authorized bandwidth and

frequency deviation will be specified in the station authorization.

(5) The maximum authorized bandwidth shall be 25 MHz in the frequency band 10,550–10,680 MHz and 50 MHz in the frequency bands above 16,000 MHz.

(6) For all other types of emissions the maximum authorized bandwidth shall not be more than that normally authorized for voice operations.

(c) Except as noted in paragraph (d) and (f), the mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent, but not more than 100 percent of the authorized bandwidth: at least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent, but not more than 250 percent of the authorized bandwidth: at least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: at least 43 plus 10 Log_{10} (mean output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

(d) For single sideband operations (A3J) below 10 MHz, the carrier frequency power shall be at least 40 dB below the peak envelope power and the mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 1.75 kHz up to and including 5.25 kHz: At least 25 dB;

(2) On any frequency removed from the assigned frequency by more than 5.25 kHz and up to and including 8.75 kHz: At least 35 dB;

(3) On any frequency removed from the assigned frequency by more than 8.75 kHz: At least 43 plus 10 $\log_{10}$ (mean output power in watts) dB.

(e) When radiation in excess of that specified in paragraphs (c) and (d) of this section results in harmful interference, the Commission may require appropriate technical changes in equipment to alleviate the interference.

(f) The power of any sideband emission of a digital transmitter authorized pursuant to paragraph (i) of § 90.211 shall be attenuated below the unmodulated output power (P) in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by a displacement frequency (f_d) between 5 and 10 kHz, the attenuation shall be:

$$83\ \text{Log}_{10}(f_d/5)\text{dB}.$$

(2) On any frequency removed from the assigned frequency by a displacement frequency (f_d) greater than 10 kHz, the attenuation shall be:

$$116\ \text{Log}_{10}(f_d/6.1)\text{dB or } 50+10\ \text{Log}_{10}(P)\text{dB},$$

whichever is less.

§ 90.211 Modulation requirements.

(a) For those transmitters subject to the provisions of paragraph (d) of this section, the maximum audio frequency required for satisfactory radiotelephony intelligibility in the radio services governed by this part is considered to be 3000 Hertz (2800 Hz for single sideband operations below 25 MHz). For all others, the overall frequency response of the audio and modulating circuits may correspond approximately with that required for satisfactory intelligibility.

(b) When amplitude modulation is used for radiotelephony, the modulation percentage shall be sufficient to provide efficient communication and normally should be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) Each transmitter shall be equipped with a device which automatically prevents modulation in excess of that specified in this subpart which may be caused by greater than normal audio level. This requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

(d) Except as provided for in paragraph (g) of this section, each transmitter in the frequency ranges 25 to 50, 72.0 to 73.0, 75.4 to 76, 150.8 to 174, 450 to 512, 806 to 821, and 851 to 866 MHz which is equipped with a modulation limiter in accordance with paragraph (c) of this section 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 (e) or (f) of this section. The provisions of this paragraph do not apply to transmitters of licensed radio-communications systems operating wholly within the limits of one or more of the territories or possessions of the United States or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 821 MHz and 851 to 866 MHz.

(e) Except as provided in paragraph (f) of this section, at audio frequencies between 3 kHz and 15 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

$$40\ \text{log}_{10}(f/3)\text{ decibels},$$

where "f" is the audio frequency in kHz. At audio frequencies above 15 kHz, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kHz.

(f) For stations authorized in the 450–470 MHz band on or after November 1, 1967, and for all stations authorized in the 470–512, 806–821, and 851–866 MHz bands, and for Travelers' Information Stations on 530 and 1610 kHz, at audio frequencies 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:

$$60\ \text{log}_{10}(f/3)\text{ decibels},$$

where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

(g) Except as provided in paragraph (h) of this section, each transmitter in the frequency ranges 25 to 50, 150.8 to 162, 450 to 512, 806 to 821, and 851 to 866 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 paragraphs (e) and (f) of this section. The provisions of this paragraph do not apply to transmitters of licensed radiocommunications systems operated wholly within one or more of the territories or possessions of the United States or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 821 MHz, and 851 to 866 MHz.

(h) Each transmitter in the frequency ranges 25 to 50, 150.8 to 162, 450 to 512, 806 to 821, and 851 to 866 MHz will be exempt from the audio low pass filter requirements of this section when type accepted for use with specific digital equipment. The application for type acceptance shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraph (g) of section 90.209, when used with the specific digital equipment. When the transmitter is to be type accepted for both digital and analog use, the analog input shall be equipped with an audio low pass filter as provided in paragraph (d) of this section.

§ 90.212 Provisions relating to the use of scrambling devices and digital voice modulation.

(a) Analog scrambling techniques may be employed at any station authorized the use of A3 or F3 emission, subject to the provision of paragraph (d) of this section.

(b) The use of digital scrambling techniques or digital voice modulation requires the specific authorization of F3Y emission, and this emission will be authorized only to stations in the Police and Fire Radio Services, subject to the provisions of paragraph (d) of this section.

(c) The transmission of any non-voice information or data under the authorization of F3Y emission is prohibited. However, stations authorized the use of F3Y emission may also be authorized F9Y emission for non-voice communication purposes, pursuant to paragraph (k) of § 90.207.

(d) Station identification shall be transmitted in the unscrambled analog mode (clear voice) or Morse code in accordance with the provisions of § 90.425.

§ 90.213 Frequency tolerance.

(a) A licensee in the services governed by this part shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency Tolerance

Frequency range (MHz)	Fixed and base stations		Mobile stations	
	Over 200W output power	200W or less output power	Over 2W output power	2W or less output power
Below 25	[1 2] .005	.01	.01	.02
25 to 50	.002	.002	.002	.005
50 to 450	[4 5] .0005	[4 5] .0005	[4] .0005	[5] .005
450 to 470	[7 8 9] .00025	[7 8 9] .00025	.0005	.0005
470 to 512	[7] .00025	[7] .00025	.0005	.0005
806 to 821	[10] .00015	[10] .0015	.00025	.00025
851 to 866	.00015	.00015	.0025	.00025
1427 to 1435	[11] .03	[11] .03	.03	.03
Above 2450	([12 13])	([12 13])	([12 13])	([12 13])

[1] Fixed and base stations in the Public Safety and Special Emergency Radio Services may operate with a frequency tolerance of 0.01 pct.

[2] Radiolocation stations operating in the 70-90 kHz or 110-130 kHz bands may operate with a frequency tolerance of 0.01 pct.

[3] For single sideband operations below 10 MHz, the carrier frequency must be maintained within 50 Hz of the authorized carrier frequency.

[4] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73-74.6 MHz may operate with a frequency tolerance of 0.005 pct.

[5] Radio call box stations in the Local Government Radio Service in the 72-76 MHz band may operate with a frequency tolerance of 0.005 pct.

[6] Stations operating in the 154.45 to 154.49 MHz or the 173.2 to 173.4 MHz bands must operate with a frequency tolerance of 0.0005 pct.

[7] Operational fixed stations controlling mobile relays, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

[8] Base stations operating on the frequencies 452.925, 452.950, 457.925, and 457.950 MHz used for remote control purposes in railroad yard and terminal areas, may operate with a frequency tolerance of 0.0005 pct.

[9] Central control and radio call box stations may operate with a frequency tolerance of 0.001 pct.

[10] Control stations may operate with a frequency tolerance of 0.00025 pct.

[11] Fixed stations with an putput power above 120W and necessary bandwidth less than 3 kHz must operate with a frequency tolerance of 0.01 pct. Fixed stations with an output power less than 120W and using time-division multiplex, may operate with a frequency tolerance of 0.05 pct.

[12] Radiolocation equipment using pulse modulation shall meet the following frequency tolerance: the frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band, where T is the pulse duration in microseconds.

[13] To be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated output power as specified by the manufacturer.

§ 90.215 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of two watts is maintained within the tolerence prescribed in § 91.213. This determination shall be made, and the results entered in the station records in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the carrier frequency or its stability.

(b) The licensee of each station shall employ a suitable procedure to determine that each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorizations stating only the input power to the final radiofrequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radiofrequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power input.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter, which is authorized to operate with an output power in excess of two watts, does not exceed the limits specified in this part. This determination shall be made and the following results entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation characteristics.

(d) The determinations required by paragraphs (a), (b), and (c) of this section may, at the opinion of the licensee, be made by a qualified engineering measurement service, in which case the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of mobile transmitters, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench: Provided, That the measurements are made under load conditions equivalent to actual operating conditions; and provided further, that after installation in the mobile unit the transmitter is given a routine check to determine that it is capable of being received satisfactorly by an appropriate receiver.

§ 90.217 Exemption from technical standards.

Transmitters used at stations licensed in the Business Radio Service which have an output power not exceeding 120 milliwatts are exempt from the technical requirements set out in this subpart: Provided, however, that the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance shall be so adjusted that any emission appearing on a frequency 40 kHz or more removed from the assigned frequency is attenuated at least 30 dB below the unmodulated carrier. Such transmitters may operate in the continuous carrier transmit mode.

Subpart J—Non-Voice and Other Specialized Operations

§ 90.231 Scope.

This subpart sets forth requirements and standards for licensing and operation of non-voice and other specialized radio uses (other than radiolocation). Such uses include secondary signaling, telemetry, radioteleprinter, radiofacsimile, automatic vehicle monitoring (AVM), radio call box, relay, vehicular repeater, and control station operations.

§ 90.233 Secondary base/mobile nonvoice signaling operations.

On a secondary basis to voice operations, the use of A2, A9, F2, F9 (audio-frequency toneshift or tone phase shift) or F9 emission may be authorized to base/mobile operations in accordance with the following limitations and requirements:

(a) Authorizations are limited to mobile service frequencies below 950 MHz.

(b) Maximum duration of a transmission for each distinct non-voice message, including automatic repeats of the message, may not exceed 2 seconds. There must be a break in the carrier between each such transmission.

(c) Required station identification for non-voice operations must be made by F3 or A3 emission and may be given by the base station for a base/mobile system.

(d) Secondary non-voice operations under this section may not be authorized for tone paging, telemetry, radiolocation, AVM, radioteleprinter, radiofacsimile, or radio call box operations. These operations are authorized under other sections of this part.

§ 90.235 Secondary fixed tone signaling and alarm operations.

In the Local Government, Police, Fire, Highway Maintenance, Forestry Conservation, Power, and Petroleum Radio Services, fixed operations may be authorized for tone or impulse signaling on mobile service frequencies above 25 MHz within the area normally covered by the licensee's mobile system on a secondary basis to the primary mobile service operation of any other licensee for the purposes described in paragraphs (a) and (b):

(a) In the Public Safety Radio Services, the only purposes for which such secondary signaling may be used are:

(1) Indication of equipment malfunction.

(2) Actuation of a device to indicate the presence of an intruder, fire, or other hazardous condition on the property under the protection of the licensee.

(3) Indication of an abnormal condition in facilities under the jurisdiction of the licensee that, if not promptly reported, would result in danger to human life.

(4) Transmissions that may be necessary to verify status of equipment; adjust operating conditions; correct any abnormal condition; or to activate devices that alert the public to a condition affecting the imminent safety of life or property.

(5) Confirmation of status, when an operation or correction has been accomplished, or when an alerting device has been activated.

(b) In the Power and Petroleum Radio Services, the only purposes for which such secondary signaling may be used are:

(1) Indication of failure of equipment or service used in the facilities of the licensee.

(2) Indication of an abnormal condition in the production, transmission, collection, distribution, refining, or transporting facilities of the licensee, which if not promptly corrected would result in failure of the equipment affected.

(3) Transmission from the point where alarms or other operational data are received as may be necessary to verify status of equipment or processes; verify or adjust operating conditions; restore lost service; place standby equipment in operation; or to correct any abnormal conditions which would otherwise result in the immediate or continued failure in the licensee's operations.

(4) Confirmation of status or operating conditions, or that an operation or correction intended to be accomplished in subparagraph (3) of this paragraph has occurred.

(c) All such secondary signaling shall be subject to the following technical requirements:

(1) The bandwidth shall not exceed that authorized to the licensee for the primary operations on the frequency concerned.

(2) The output power shall not exceed 30 watts (at the remote site).

(3) A1, A2, A9, F1, F2, and F9 emission may be authorized. In the Police Radio Service A3 or F3 emission may also be authorized.

(4) For systems authorized in the Public Safety Services after June 20, 1975, to be used for the purposes outlined in paragraph (a) of this section, the maximum duration of any one nonvoice signal may not exceed 2 seconds and shall not be transmitted more than three times. The maximum duration of any one voice alarm shall not exceed 6 seconds and shall not be transmitted more than three times. For systems authorized prior to this date, any one alarm or warning may be transmitted a maximum of five times and each transmission shall not exceed 6 seconds; such system to include existing facilities and additional facilities which may be authorized as a clear and direct expansion of the existing system.

(5) For systems authorized in the Petrolem Radio Service after June 1, 1976, each transmission for any one alarm, warning corrective action, or requirement, positive confirmation, checkback, or other purpose set forth in paragraph (b) of this section, shall be limited to a maximum duration of 2 seconds and shall not be repeated more than three times. For systems authorized prior to June 1, 1976, any one alarm or warning may be transmitted a maximum of five times and each transmission may not exceed 6 seconds; such systems to include existing facilities and additional facilities which may be authorized as a clear and direct expansion of the existing system.

(6) For systems authorized in the Power Radio Service after June 1, 1976, each transmission for any one alarm, warning corrective action, or requirement, positive confirmation, checkback, or other purpose set forth in paragraph (b) of this section, shall be limited to a maximum duration of 2 seconds and shall not be repeated more than five times. For systems authorized prior to June 1, 1976, any one alarm or warning may be transmitted a maximum of five times and each transmission may not exceed 6 seconds; such systems to include existing facilities and additional facilities which may be authorized as a clear and direct expansion of the existing system.

(7) Systems employing automatic interrgation shall be limited to nonvoice techniques and shall not be activated for this purpose more than 10 seconds out of any 60-second period. This 10 second timeframe includes both transmit and response times.

(8) Frequency loading resulting from the use of secondary signaling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile system.

(9) A mobile service frequency may not be used exclusively for secondary signaling.

(10) Automatic means shall be provided to deactivate the transmitter in the event the carrier remains on for a period in excess of 3 minutes.

(11) Operational fixed stations authorized pursuant to the provisions of this paragraph are exempt from the requirements of §§ 90.137(b), 90.425 and 90.429.

(12) Base, mobile relay, or mobile stations may transmit secondary tone or impulse signals to receives at fixed locations subject to the conditions, and for the purposes set forth in this section.

§ 90.237 Interim provisions for operations of radioteleprinter and radiofacsimile devices.

These provisions authorize and govern the use of radioteleprinter and radiofacsimile devices for base station use (other than on mobile-only or paging-only frequencies) in the radio services (except in the Radiolocation and Special Emergency Radio Services) in this part. In the Business Radio Service the authority extends only to those frequencies subject to the coordination requirements set forth in § 90.175.

(a) Information must be submitted with an application to establish that the minimum separation between a proposed radioteleprinter or radiofacsimile base station and the nearest co-channel base station of another licensee operating a voice system is 120 km. (75 mi.) for a single frequency mode of operation, or 56 km. (35 mi.) for a two-frequency mode of operation. Where this minimum mileage separation cannot be achieved, either agreement to the use of F2, F4, or F9 emission must be received from all existing co-channel licensees using voice emission within the applicable mileage limits, or if agreement was not received, the licensee of the radioteleprinter or radiofacsimile system is responsible for eliminating any interference with pre-existing voice operations. New licensees of voice operations. New licensees of voice operations will be expected to share equally any frequency occupied by established radioteleprinter or radiofacsimile operations.

(b) The application must list the manufacturer and model number of the radioteleprinter or radiofacsimile system to be employed, or contain a detailed technical description of the system.

(c) Transmitters type-accepted under this part for use of F3 emission may also be used for F2, F4, or F9 emission for radioteleprinter or radiofacsimile, provided the keying signal is passed through the low pass audio frequency filter required for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3.

(d) Frequencies will not be assigned exclusively for F2, F4, or F9 emission for radioteleprinter or radiofacsimile (except where specifically provided for in the frequency limitations).

(e) The requirements in this part applicable to the use of F3 emission are also applicable to the use of F2, F4, or F9 emission for radioteleprinter and radiofacsimile transmissions.

(f) The station identification required by § 90.425 must be given by voice or Morse code.

§ 90.239 Interim provisions for operation of automatic vehicle monitoring (AVM) systems.

(a) These provisions authorize, to persons eligible in the radio services of this part, the licensing of automatic vehicle monitoring (AVM) systems that utilize nonvoice radio techniques to determine the location of vehicles. Authority is also provided for the transmission of voice and/or nonvoice messages relating to vehicles being located.

(b) The use of F1, F2, F3, F9, or P9 emissions is authorized for operation of transmitters in AVM systems subject to paragraph (e)(2)(iii) of this section.

(c) Frequencies for AVM operations are assignable as follows: (1) Licensees for pulse-ranging AVM systems, requiring 8 MHz bandwidth may be authorized in the 904-912 MHz or 918-926 MHz band provided that:

(i) A licensee will not be assigned a second frequency band in the same geographic area until showing is made that the frequency band already assigned is being used to provide location data for not less than 5,000 vehicles.

(ii) Operations will not cause interference to government stations which operate in these bands and can tolerate interference from industrial, scientific, and medical (ISM) devices and from government stations which operate in these bands.

(2) AVM systems requiring bandwidths not exceeding 1 MHz may be authorized in the 903-904 or 926-927 MHz bands on a developmental basis in accordance with subpart P.

(3) Applicants requiring not more than 25 kHz bandwidth per frequency in the 25-50 MHz, 150-170 MHz, and 450-512 MHz bands may either utilize base-mobile frequencies presently assigned the applicant, or be assigned base-mobile frequencies available in the service in which eligibility has been established, provided that:

(i) For transmission between vehicles and base stations, each frequency in a single-frequency mode of operation will provide location data for approximately 200 vehicles, or both frequencies in a two-frequency mode of operation will provide location data for approximately 400 vehicles, except that for frequencies in the 450-512 MHz band that are assigned in pairs in accordance with the allocation plan for the band, the requirement is that location data be provided for approximately 200 vehicles for each frequency pair; and a showing is made that 50 percent of the vehicles will be in operation within the system by the end of the second year of the initial license term, and 70 percent will be in operation within the system by the end of the initial license term; except that if these vehicle loading standards will not be met, frequencies will be assigned only on a secondary noninterference basis to any authorized radiotelephony operation.

(ii) The minimum separation between a proposed AVM station and the nearest co-channel base station of another licensee operating a voice system is 75 miles (120 km) for a single frequency mode of operation or 35 miles (56 km) for a two-frequency mode of operation. Where the minimum mileage separation cannot be achieved, agreement to the use of F1, F2, F9, or P9 emission must be received from all existing co-channel licensees using voice emissions within the applicable mileage limits. If there is interference with voice operations and required agreement was not received, or operation was authorized on a secondary noninterference basis, the licensee of the AVM system is responsible for eliminating the interference.

(iii) Frequencies additional to any assigned under subparagraph (i) of this paragraph will not be assigned to the same licensee in the same geographic area until each of such licensee's frequencies for AVM operation is shown to accommodate not less than 90 percent of the frequency loading requirements specified in subparagraph (i) of this paragraph.

(d) Each application to license an AVM system shall include the following supplemental information:

(1) A detailed description of the manner in which the system will operate, including a map or diagram.

(2) For wide band frequency operation, the necessary or occupied bandwidth of emission whichever is greater.

(3) The data transmission characteristics as follows:

(i) The vehicle location update rates;

(ii) Specific transmitter modulation techniques used;

(iii) For codes and timing scheme: A table of bit sequences and their alphanumeric or indicator equivalents, and a statement of bit rise time, bit transmission rates, bit duration, and interval between bits;

(iv) A statement of amplitude-versus-time of the interrogation and reply formats, and an example of a typical message transmission and any synchronizing pulses utilized.

(4) A plan to show implementation schedule during the initial license term.

(e) Technical standards.

(1) AVM stations authorized for operation below 512 MHz must comply with the technical standards applicable to the frequency band prescribed in this chapter, including the requirement for type acceptance of equipment used.

(2) Pending final development of technical standards, utilization of nontype accepted transmitters by stations authorized for operation above 512 MHz will be permissible provided that:

(i) The output power of transmitters used in pulse ranging systems shall not exceed 1 kW PEP;

(ii) The output power of transmitters used in nonpulse ranging systems shall not exceed 300 watts.

(iii) Emissions will be authorized on a case-by-case basis dependent on the requirements of the specific technique utilized.

(3) Transmitters to be operated at signposts, or from vehicles to signposts for location signaling purposes may be employed with output power not to exceed 250 milliwatts, and their operation is secondary to regular co-channel operations on the frequency being utilized.

(4) Pending development of further specific technical standards for AVM systems, the Commission, on a case-by-case basis, may impose additional appropriate technical requirements to assure efficient and effective frequency utilization.

(f) AVM stations are exempted from the identification requirements of § 90.425; however, the Commission may impose automatic station identification requirements when determined to be necessary for monitoring and enforcement purposes.

§ 90.241 Radio call box operations.

(a) The frequencies in the 72–76 MHz band listed in § 90.17(b) may be assigned in the Local Government Radio Service for operation of radio call boxes to be used by the public to request fire, police, ambulance, road service, and other emergency assistance, subject to the following conditions and limitations:

(1) Maximum transmitter power will be either 2.5 watts plate input to the final stage or 1 watt output.

(2) Antenna gain shall not exceed zero dBd (referred to a half-wave dipole) in any horizontal direction.

(3) Only vertical polarization of antennas shall be permitted.

(4) The antenna and its supporting structure must not exceed 20 feet (6.1 meters) in height above the ground.

(5) Only A1, A2, F1, or F2 emission shall be authorized.

(6) The transmitter frequency tolerance shall be 0.005 percent.

(7) Except for test purposes, each transmission must be limited to a maximum of two seconds and shall not be automatically repeated more than two times at spaced intervals within the following 30 seconds. Thereafter, the authorized cycle may not be reactivated for one minute.

(8) All transmitters installed after December 10, 1970, shall be furnished with an automatic means to deactivate the transmitter in the event the carrier remains on for a period in excess of three minutes. The automatic cutoff system must be designed so the transmitter can be only manually reactivated.

(9) Frequency selection must be made with regard to reception of television stations on channels 4 (66–72 MHz) and 5 (76–82 MHz) and should maintain the greatest possible frequency separation from either or both of these channels, if they are assigned in the area.

(b) Frequencies in the band 154.4525 to 154.460 MHz may be assigned to fixed stations in the Local Government Radio Service for the purpose of providing emergency call box service. The maximum power output of the transmitter is 20 watts. A1, A2, F1, or F2 emission may be authorized. The authorized bandwidth may not exceed 6 kHz. For FM transmitters, the sum of the highest modulating frequency in hertz and the amount of frequency deviation or swing in hertz may not exceed 2800 Hz and the maximum frequency deviation may not exceed 2.5 kHz. For AM transmitters the highest modulating frequency may not exceed 2000 Hz. The carrier frequency must be maintained with 0.0005 percent of the center of the frequency band.

(c) Frequencies in the 450–470 MHz band which are designated as available for assignment to central control stations and radio call box installations in § 90.17(b) or § 90.17(c)(11) may be assigned in the Local Government Radio Service for highway call box systems subject to the following requirements:

(1) Call box transmitters shall be installed only on limited access highways and may communicate only with central control stations of the licensee.

(2) Maximum transmitter power for call boxes will be either 2.5 watts input to the final amplifier stage or one watt output. The central control station shall not exceed 25 watts effective radiated power (ERP).

(3) The height of a call box antenna may not exceed 7 meters (20 feet) above the ground, the natural formation, or the existing man-made structure (other than an antenna supporting structure) on which it is mounted. A central station transmitting antenna, together with its supporting structure shall not exceed 15 m. (50 ft.) above the ground surface.

(4) Only F1, F2, F3, or F9 emission may be authorized for nonvoice signaling, radiotelephony, and multiplexed voice and nonvoice use. The provisions in this part applicable to the use of F3 emission are also applicable to the use of F1, F2, or F9 emission for call box transmitters.

(5) The station identification required by § 90.425 shall be by voice and may be transmitted for the system from the central control station. Means shall be provided at each central control station location to automatically indicate the call box unit identifier when a call box unit is activated.

(6) Call box installations must be so designed that their unit identifier is automatically transmitted when the handset is lifted.

(7) Each application for a call box system must include a description of the nonvoice transmitting equipment. This description shall specify the character structure, bit rate, modulating tone frequencies, identification codes, and the method of modulation (i.e., frequency shift, tone shift, or tone phase shift).

(8) Call box installations may be used secondarily for the transmission of information from roadside sensors. Central control station transmitters may be used secondarily to interrogate call box roadside sensors and for the transmission of signals to activate roadside signs.

(9) Each call box transmitter must be provided with a timer which will automatically deactivate the transmitter after 2 minutes unless the central control station operator reactivates the timer cycle.

(10) The central control station must include facilities that permit direct control of any call box in the system.

(11) Call box transmitter frequency tolerance shall be 0.001 percent.

(12) Transmitters type-accepted under this part for use of F3 emission may be used for F1, F2, or F9 emission provided that the audio tones or digital data bits are passed through the low pass audio filter required to be provided in the transmitter for F3 emission. The transmitter must be adjusted and operated so that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

(d) In addition to the frequencies available pursuant to § 90.17(b) the frequencies set forth in § 90.17(c)(11) may be used for central control station and call box installations in areas where such frequencies are available for fixed system use subject to the requirements and limitations of that section and subject to the provisions of subdivisions (1), (4), (5), (6), (7), (8), (9), (10), and (12) of paragraph (c) of this section.

(e) In accordance with subpart P of this part, the frequencies available pursuant to § 90.17(b) and § 90.17(c)(11) for central control station and call box installations may be assigned for developmental operation as part of a highway safety communication program which is designed to

provide radio communications directly with motorists to and from their motor vehicles.

§ 90.242 Travelers' information stations.

(a) *The frequencies 530 and 1610 kHz.* May be assigned in the Local Government Radio Service for the operation of Travelers' Information Stations subject to the following conditions and limitations:

(1) For Travelers' Information Station applications only, eligibility requirements as set forth in § 90.17(a) are extended to include park districts and authorities.

(2) Each application for a station or system shall be accompanied by:

(i) A statement certifying that the transmitting site of the Travelers Information Station will be located at least 15.0 km, (9.3 miles) measured orthogonally, outside the measured 0.5 mV/meter daytime contour of any AM broadcast station operating on a first adjacent channel (540 kHz or 1600 kHz). If the measured contour is not available, then the calculated 0.5 mV/m field strength contour shall be acceptable. These contours are available for inspection at the concerned AM broadcast station and FCC offices in Washington, D.C.

(ii) In consideration of possible cross-modulation and inter-modulation interference effects which may result from the operation of a Travelers Information Station in the vicinity of an AM broadcast station on the second or third adjacent channel, the applicant shall certify that he has considered these possible interference effects and, to the best of his knowledge, does not foresee harmful interference occurring to broadcast stations operating on 550 kHz, 560 kHz, 1580 kHz, or 1590 kHz.

(iii) A map showing the geographical location of each transmitter site and an estimate of the signal strength at the contour of the desired coverage area. For a cable system, the contour to be shown is the estimated field strength at 60 meters (197 feet) from any point on the cable. For a conventional radiating antenna, the estimated field strength contour at 1.5 km (0.93 mile) shall be shown. A contour map comprised of actual on-the-air measurements shall be submitted to the Commission within 60 days after station authorization or completion of station construction, whichever occurs later. A sufficient number of points shall be chosen at the specified distances (extrapolated measurements are acceptable) to adequately show compliance with the field strength limits.

(iv) For each transmitter site, the transmitter's output power, the type of antenna utilized, its length (for a cable system), its height above ground, distance from transmitter to the antenna, and the elevation above sea level at the transmitting site.

(3) Travelers Information Stations will be authorized on a secondary basis to stations authorized on a primary basis in the bands 510-535 and 1605-1715 kHz.

(4) A Travelers Information Station authorization may be suspended, modified, or withdrawn by the Commission without prior notice of right to hearing if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

(5) The transmitting site of each Travelers Information Station shall be restricted to the immediate vicinity of the following specified areas: air, train, and bus transportation terminals, public parks and historical sites, bridges, tunnels, and any intersection of a Federal Interstate Highway with any other Interstate, Federal, State, or local highway.

(6) A Travelers Information Station shall normally be authorized to use a single transmitter. However, a system of stations, with each station in the system employing a separate transmitter, may be authorized for a specified area provided sufficient need is demonstrated by the applicant.

(7) Travelers Information Stations shall transmit only noncommercial voice information pertaining to traffic and road conditions, traffic hazard and travel advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest. It is not permissible to identify the commercial name of any business establishment whose service may be available within or outside the coverage area of a Travelers Information Station. However, to facilitate announcements concerning departures/arrivals and parking areas at air, train, and bus terminals, the trade name identification of carriers is permitted.

(b) *Technical standards.* (1) The use of 6A3 emission will be authorized, however AO emission may be used for purposes of receiver quieting, but only for a system of stations employing "leaky" cable antennas.

(2) A frequency tolerance of 100 Hz shall be maintained.

(3) For a station employing a cable antenna, the following restrictions apply:

(i) The length of the cable antenna shall not exceed 3.0 km (1.9 miles).

(ii) Transmitter RF output power shall not exceed 50 watts and shall be adjustable downward to enable the user to comply with the specified field strength limit.

(iii) The field strength of the emission on the operating frequency shall not exceed 2 mV/m when measured with a standard field strength meter at a distance of 60 meters (197 feet) from any part of the station.

(4) For a station employing a conventional radiating antenna(s) (ex. vertical monopole, directional array) the following restrictions apply:

(i) The antenna height above ground level shall not exceed 15.0 meters (49.2 feet).

(ii) Only vertical polarization of antennas shall be permitted.

(iii) Transmitter RF output power shall not exceed 10 watts to enable the user to comply with the specified field strength limit.

(iv) The field strength of the emission on the operating frequency shall not exceed 2 mV/m when measured with a standard field strength meter at a distance of 1.50 km (0.93 miles) from the transmitting antenna system.

(5) For co-channel stations operating under different licenses, the following minimum separation distances shall apply:

(i) 0.50 km (0.31 miles) for the case when both stations are using cable antennas.

(ii) 7.50 km (4.66 miles) for the case when one station is using a conventional antenna and the other is using a cable antenna.

(iii) 15.0 km (9.3 miles) for the case when both stations are using conventional antennas.

(6) For a system of co-channel transmitters operating under a single authorization utilizing either cable or conventional antennas, or both, no minimum separation distance is required.

(7) An applicant desiring to locate a station that does not comply with the separation requirements of this section shall coordinate with the affected station.

(8) Each transmitter in a Travelers Information Station shall be equipped with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 20 kHz this filter shall have an attenuation greater than the attenuation at 1 kHz by at least:

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

where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibles greater than the attenuation at 1 kHz.

§ 90.243 Mobile relay stations.

(a) Mobile relay stations under this part may be authorized only as follows:

(1) On frequencies below 450 MHz, mobile relay stations may be authorized to operate only in the Police, Fire, Local Government, Highway Maintenance, Forestry Conservation, Power,

Petroleum, Forest Products, Telephone Maintenance, and Railroad Radio Services.

Outside the contiguous 48 states mobile relay operations below 450 MHz may also be authorized in the Business and Special Industrial Radio Services.

(2) Mobile relay stations will be authorized on frequencies between 450 MHz and 470 MHz in all of the services governed by this part except for the Radiolocation, Motor Carrier, Taxicab and Automobile Emergency Radio Services.

(3) Mobile relay stations will be authorized on frequencies between 470 MHz and 512 MHz in all of the services that have been allocated such frequencies.

(b) Special provisions for mobile relay operations:

(1) In the Special Emergency Radio Service, Medical Services systems in the 150–160 MHz band are permitted to be cross-banded for mobile and central station operations with mobile relay stations authorized to operate in the 450–470 MHz band.

(2) In the Business Radio Service, mobile relay stations operating on frequencies below 450 MHz will only be authorized when all control and mobile stations are operated on frequencies designated for low power operation (2 watts or less). For such operations the maximum output power shall not exceed 1 watt and the mobile relay antenna system shall not be more than 13 m. (40 ft.) above ground.

(3) In the Railroad Radio Service, mobile relay operation shall be on a secondary basis to other co-channel operations.

(4) Except where specifically precluded, a mobile relay station may be authorized to operate on any frequency available for assignment to base stations.

(5) A mobile station associated with mobile relay station(s) may not be authorized to operate on a frequency below 25 MHz.

(c) Technical requirements for mobile relay stations.

(1) Each new mobile relay station with an output power of more than one watt, and authorized after January 1, 1972, that is activated by signals below 50 MHz shall deactivate the station upon cessation of reception of the activating continuous coded tone signal. Licensees may utilize a combination of digital selection and continuous coded tone control where required to insure selection of only the desired mobile relay station.

(2) Mobile relay stations controlled by signals above 50 MHz or authorized prior to January 1, 1972, to operate below 50 MHz are not required to incorporate coded signal or tone control devices unless the transmitters are consistently activated by undesired signals and cause harmful interference to other licensees. If activation by undesired signals causes harmful interference, the Commission will require the installation of tone control equipment within 90 days of a notice to the licensee.

(3) Except in the Railroad Radio Service, each new mobile-relay station authorized after January 1, 1972, shall be equipped for automatic deactivation of the transmitter within 5 seconds after the signals controlling the station cease.

(4) Except in the Railroad Radio Service, each new mobile relay station authorized after January 1, 1972, during periods that it is not controlled from a manned fixed control point; shall have an automatic time delay or clock device that will deactivate the station not more than 3 minutes after its activation by a mobile unit.

(5) In the Railroad Radio Service, each mobile relay station, regardless of the frequency or frequencies of the signals by which it is activated shall be so designated and installed that it will be deactivated automatically when its associated receiver or receivers are not receiving a signal on the frequency or frequencies which normally activate it.

(6) Multiple mobile relay station radio systems shall use wireline or radio stations on fixed frequencies for any necessary interconnect circuits between the mobile relay stations.

§ 90.245 Fixed relay stations.

Except where specifically provided for, fixed relay stations shall be authorized to operate only on frequencies available for use by operational fixed stations.

§ 90.247 Mobile repeater stations.

A mobile station authorized to operate on a mobile service frequency above 25 MHz may be used as a mobile repeater to extend the communications range of hand-carried units subject to the following:

(a) Mobile repeaters and/or associated hand-carried transmitters may be assigned separate base/mobile frequencies for this use (including, in the Railroad Radio Service, any "base only" frequency in the 450–470 MHz range) in addition to the number of frequencies normally assignable to the licensee.

(b) In the Business and Special Industrial Radio Services on frequencies below 450 MHz, only low-power frequencies (2 watts or less output power) may be assigned for use by mobile repeaters or by hand-carried transmitters whose communications are directed to mobile repeaters, when separate frequencies are assigned for that purpose.

(c) Except as provided in paragraph (d) of this section, hand-carried transmitters whose communications will be automatically relayed by mobile stations shall be limited to a maximum output power of 2.5 watts.

(d) In the Railroad Radio Service, use of mobile repeaters is on a secondary basis to the stations of any other licensee. Hand-carried units used in connection with mobile repeaters in the Railroad Radio Service may operate only above 150 MHz and are limited to a maximum output power of 6 watts. The frequency and maximum power shall be specified in the station authorization.

(e) In the Railroad Radio Service, the output power of a mobile repeater station, when transmitting as a repeater station on the frequency used for communication with its associated pack-carried or hand-carried units, shall not exceed 6 watts except when the same frequency is also used by the same station for direct communication with vehicular mobile units or with one or more base stations.

(f) When automatically retransmitting messages originated by or destined for hand-carried units, each mobile station shall activate the mobile transmitter only with a continuous coded tone, the absence of which will de-activate the mobile transmitter. The continuous coded tone is not required when the mobile unit is equipped with a switch that activates the automatic mode of the mobile unit and an automatic time-delay device that de-activates the transmitter after any uninterrupted transmission period in excess of 3 minutes.

§ 90.249 Control stations.

Control stations associated with land mobile stations under this part shall be authorized to operate subject to the following:

(a) *Frequencies for control stations.* (1) Control stations may be authorized to operate on frequencies available for use by operational fixed stations.

(2) A control station associated with mobile relay station(s) may, at the option of the applicant, be assigned the frequency of the associated mobile station. In the Railroad Radio Service such a control station may be assigned any mobile service frequency available for assignment to mobile stations in that service. Such operation is on a secondary basis to use of the frequency for regular mobile service communications. In the band 450–470 MHz, such operation is subject to the provisions of paragraph (b) of this section.

(3) Control and fixed stations in the Public Safety and Special Emergency Radio Services may be authorized on a temporary basis to operate on frequencies available for base and mobile sta-

tions between 152 and 450 MHz, where there is an adequate showing that such operations cannot be conducted on frequencies allocated for assignment to operational fixed stations. Such operation will not be authorized initially or renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to stations in the mobile service, or if the particular frequency is required for mobile service operations in the area concerned.

(b) Control stations operating on frequencies in the band 450-470 MHz shall comply with the following requirements if they are located within 120 km. (75 mi.) of the center of urbanized areas of 200,000 or more population as defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, Page 50. The centers of urbanized areas are determined from the Appendix, page 226 of the U.S. Commerce Publication "Airline Distance Between Cities in the United States".

(1) If the station is used to control one mobile relay station or two or more mobile relay stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the control station. For other situations, a directional or omnidirectional antenna may be employed. In each case, the antenna used must, to the exent practical, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limit radiation in other directions.

(2) The strength of the signal of a control station, controlling a single mobile relay station, may not exceed by more than 6 dB, the signal strength produced by a unit of the associated mobile station at the antenna terminal of the mobile relay receiver. When the station controls more than one mobile relay station, the 6 dB control-to-mobile signal difference need be verfied at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile (0.4 km) of the control station site.

(c) A base station which is used intermittently as a control station for one or more associated mobile relay stations of the same licensee shall operate only on the mobile service frequency assigned to the associated mobile relay station when operating as a base station and on the mobile service frequency assigned to the associated mobile station when operating as a control station. Authority for such dual classification and use must be shown on the station authorization. When operating as a control station, the licensee must meet all control station requirements. In the Railroad Radio Service base stations used intermittently as control stations shall operate only on a mobile service frequency which is available for assignment to base stations.

Subpart K—Standards for Special Frequencies or Frequency Bands.

§ 90.251 Scope.

This subpart sets forth special requirements applicable to the use of certain frequencies (4383.8 kHz) or frequency bands. (27.235-27.275, 72-76, 216-220, 450-470, and 1427-1435 MHz).

§ 90.253 Use of frequency 4383.8 kHz.

The frequency 4383.8 kHz may be used by any station authorized under this part, to communicate with any other station in the State of Alaska for emergency communications. The maximum power permitted is 150 watts peak envelope power (PEP). Airborne operations will not be permitted. All stations operating on this frequency must be located in or within 50 nautical miles (92.6 km) of the state of Alaska.

§ 90.255 Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz.

(a) Effective September 10, 1976, station authorizations for the use of 27.235, 27.245, 27.255, 27.265, and 27.275 MHz will be issued only to applicants in the Personal Radio Services. Licenses in the Radio Services under this part authorizing the use of these frequencies shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

(b) Prior use of these frequencies is subject to the following limitations:

(1) The bandwidth of emission shall not exceed 8 kHz.

(2) The output power shall be limited to no more than 20 watts.

(3) All operation is subject to interference from the operation of industrial, scientific, and medical devices on the frequency 27.12 MHz.

§ 90.257 Assignment and use of frequencies in the band 72-76 MHz.

(a) The following criteria shall govern the authorization and use of frequencies within the band 72-76 MHz by fixed stations. (For call box operations see § 90.241).

(1) The following frequencies in the band 72-76 MHz may be used for fixed operations:

Megahertz

72.02 72.04 72.06 72.08 72.10 72.12 72.14 72.16
72.18 72.20 72.22 72.24 72.26 72.28 72.30 72.32
72.34 72.36 72.38 72.40 72.42 72.46 72.50 72.54
72.58 72.62 72.64 72.66 72.68 72.70 72.72 72.74
72.76 72.78 72.80 72.82 72.84 72.86 72.88 72.90
72.92 72.94 72.96 72.98 75.42 75.46 75.50 75.54
75.78 75.62 75.64 75.66 75.68 75.70 75.72 75.75
75.76 75.78 75.80 75.82 75.84 75.86 75.88 75.90
75.92 75.94 75.96 75.98

(2) All authorizations are subject to the condition that no harmful interference will be caused to television reception on channels 4 and 5.

(3) The applicant must agree to eliminate any harmful interference caused by his operation to TV reception on either channel 4 or 5 that might develop by whatever means are necessary. Such action must be taken within 90 days of notification by the Commission. If such interference is not eliminated within the 90-day period, operation of the fixed station will be discontinued.

(4) Vertical polarization must be used.

(5) Whenever it is proposed to locate a 72-76 MHz fixed station less than 128 km (80 mi.) but more than 16 km (10 mi.) from the site of a TV transmitter operating on either channel 4 or 5, or from the post office of a community in which such channels are assigned but not in operation, the fixed station shall be authorized only if there are fewer than 100 family dwelling units (as defined by the U.S. Bureau of the Census), excluding units 112 or more km (70 mi.) distant from the TV antenna site, located within a circle centered at the location of the proposed fixed station. The radius shall be determined by use of the following chart entitled, "Chart for Determining Radius From Fixed Station in 72-76 MHz Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed." Two charts are available, one for channel 4, and one for channel 5. The Commission may, however, in a particular case, authorize the location of a fixed station within a circle containing 100 or more family dwelling units upon a showing that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the TV receivers affected as may be

necessary to eliminate any interference caused by his operations.

(v) All applications seeking authority to operate with a separation of less than 16 km (10 mi.) will be returned without action.

(b) The following criteria shall govern the authorization and use of frequencies within the band 72-76 MHz by mobile stations in the Special Industrial, Manufacturers, and Railroad Radio Services.

(1) Mobile operation on frequencies in the 72 to 76 MHz band is subject to condition that no interference is caused to the reception of television stations operating on channels 4 or 5. Interference will be considered to occur whenever reception of a regularly used television signal is impaired by signals radiated by stations operating under these rules in the 72 to 76 MHz band regardless of the quality of such reception or the strength of the signal used. In order to minimize the hazard of such interference, it shall be the duty of the licensee to determine whether interference is being caused to television reception, wherever television receivers other than those under the control of the licensee, are located within 31 m. (100 ft.) of any point where the stations licensed under these rules may be operated. In any case, it shall be the responsibility of the licensee to correct, at its own expense, any such interference and if the interference cannot be eliminated by the application of suitable techniques, the operation of the offending transmitter shall be suspended. If the complainant refuses to permit the licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee is absolved of further responsibility.

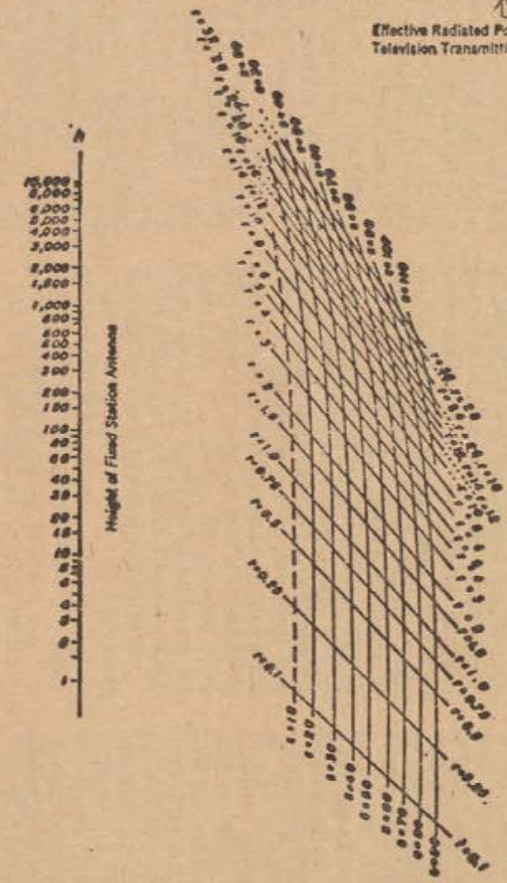
(2) The maximum transmitter output power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on these frequencies must be directly mounted or installed upon the transmitting unit: Except that when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of half-wave dipole. The maximum bandwidth that will be authorized is 20 kHz. Tone control transmissions are permitted.

FOR CHANNEL 4

CHART FOR DETERMINING RADIUS FROM FIXED STATION IN 72–76 MHz BAND TO INTERFERENCE CONTOUR ALONG WHICH 10% OF SERVICE FROM ADJACENT TELEVISION STATION WOULD BE DESTROYED

CHANNEL

Effective Radiated Power of TV Station.....100 kw.
Television Transmitting Antenna Height.....800 ft.



EXPLANATION OF SCALE HEADINGS:

P—effective radiated power of fixed 72–76 MHz station in watts and equals the power output of the transmitter adjusted for transmission line loss and antenna gain. In symbols

P = PoLG

where Po = output of transmitter in watts
L = transmission line efficiency, %
G = power gain of the antenna with respect to a half wave dipole in free space.

For a directional antenna use the power in the main lobe.

h—height in feet of the center of the transmitting antenna array of the fixed 72–76 MHz station with respect to the average level of the terrain between 2 and 10 miles from such antenna in the direction of the TV station. (The method for determining this height is explained in detail in the TV Broadcast Rules.)

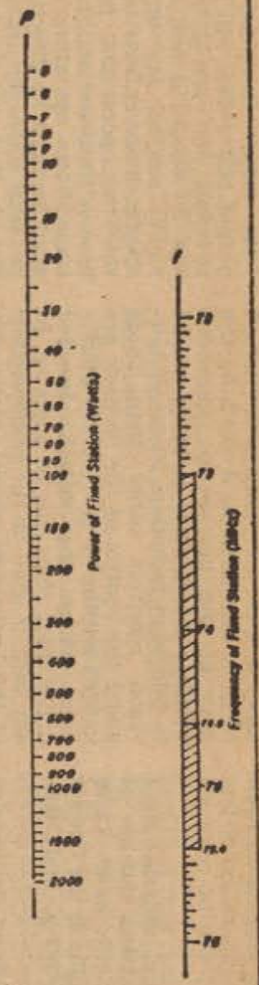
s—separation in miles between the television station antenna and the 72–76 MHz fixed station antenna.

r—distance in miles from the 72–76 MHz fixed station antenna to the contour at which the TV service area is reduced by 10%. This distance is measured from the 72–76 MHz antenna in the direction of the TV antenna.

f—frequency in MHz of 72–76 MHz fixed stations.
NOTE: frequencies included in cross hatched area are not available for assignment.

DIRECTIONS FOR USING THIS CHART:

1. Draw a straight line connecting P and h for the 72–76 MHz fixed station and continue to the Q axis.
2. From the intersection of the P–h line and the Q axis, draw another straight line to f.
3. Where the second line intersects the s–r curves, read the value of r for the appropriate value of s.



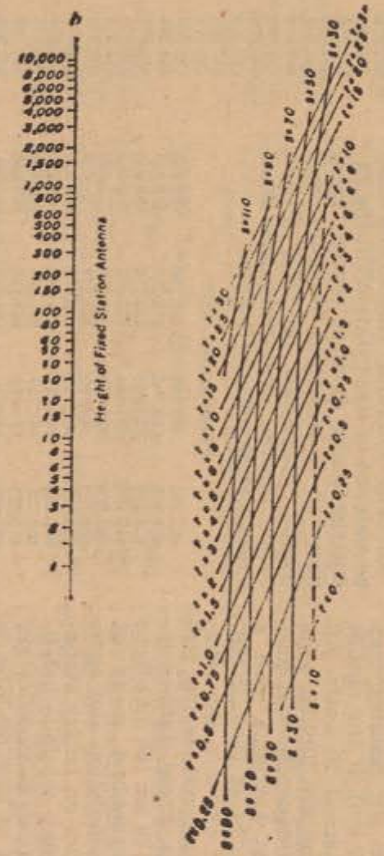
REVISED JANUARY 1963

FOR CHANNEL 5

CHART FOR DETERMINING RADIUS FROM FIXED STATION IN 72–76 MHz BAND TO INTERFERENCE CONTOUR ALONG WHICH 10% OF SERVICE FROM ADJACENT TELEVISION STATION WOULD BE DESTROYED

CHANNEL

Effective Radiated Power of TV Station..... .....100 kw.
Television Transmitting Antenna Height.. . . ..500 ft.



EXPLANATION OF SCALE HEADINGS:

P—effective radiated power of fixed 72-76 MHz station in watts and equals the power output of the transmitter adjusted for transmission line loss and antenna gain. In symbols

P = PoLG

where Po = output of transmitter in watts
L = transmission line efficiency, %
G = power gain of the antenna with respect to a half wave dipole in free space.

For a directional antenna use the power in the main lobe.

h—height in feet of the center of the transmitting antenna array of the fixed 72-76 MHz station with respect to the average level of the terrain between 2 and 10 miles from such antenna in the direction of the TV station. (The method for determining this height is explained in detail in the TV Broadcast Rules.)

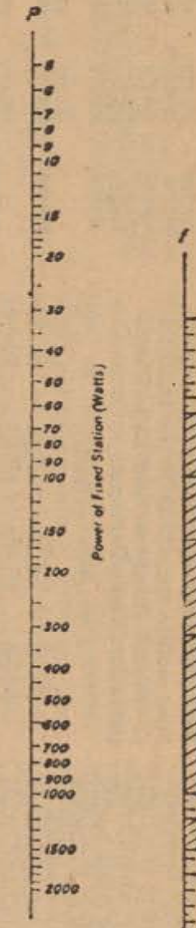
s—separation in miles between the television station antenna and the 72-76 MHz fixed station antenna.

r—distance in miles from the 72-76 MHz fixed station antenna to the contour at which the TV service area is reduced by 10%. This distance is measured from the 72-76 MHz antenna in the direction of the TV antenna.

f—frequency in MHz of 72-76 MHz fixed stations.
NOTE: frequencies included in cross hatched area are not available for assignment.

DIRECTIONS FOR USING THIS CHART:

1. Draw a straight line connecting P and h for the 72-76 MHz fixed station and continue to the Q axis.
2. From the intersection of the P-h line and the Q axis, draw another straight line to f.
3. Where the second line intersects the S-r curves, read the value of r for the appropriate value of S.





REVISED JANUARY 1963

§ 90.259 Assignment and use of frequencies in the bands 216–220 MHz and 1427–1435 MHz.

Frequencies in the bands 216–220 MHz and 1427–1435 MHz may be assigned to applicants under this part provided the band is listed in the individual radio service under which they establish eligibility. Use of these bands is limited to telemetering purposes only and all operation is secondary to Federal Government operations. Base stations authorized in this band shall be used to perform telecommand functions with associated mobile telemetering stations. Base stations may also command actions by the vehicle itself, but will not be authorized solely to perform this function. Airborne use will not be authorized. Each application will be coordinated with the Federal Government by the Federal Communications Commission and is subject to such technical and operational limitations as may be imposed by the government. Each application should include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation.

§ 90.261 Assignment and use of frequencies in the band 450–470 MHz for fixed operations.

The following frequencies may be assigned for fixed operations, on a secondary basis to land mobile operations, to eligibles in the services indicated. All such use of these frequencies for fixed systems is limited to locations 85 or more miles (136.79 or more km) from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles (104.6 km), if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, the separation between transmit-receive frequencies is 5 MHz. Fixed stations located more than 136 km (85 mi.) from the center of urbanized areas of 600,000 or more population and operating on frequencies no longer available for that use may continue indefinitely until such time as modification involving addition of new facilities is proposed. Such use is, however, on a secondary basis to land mobile operations and harmful interference may not be caused to land mobile stations. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States." Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Vol. 1, table 20, pages 1–74.

(a) The following frequencies may be assigned to fixed stations in the Public Safety and Special Emergency Radio Services, on a secondary basis to land mobile operations in the Industrial (except Business) and Land Transportation Radio Services.

FREQUENCIES (MHz)

451.025	451.050	451.075	451.100
451.125	451.150	451.175	451.200
451.225	451.250	451.275	451.300
451.325	451.350	451.375	451.400
451.425	451.450	451.475	451.500
451.525	451.550	451.575	451.600
451.625	451.650	451.675	451.700
451.725	451.750	451.775	451.825
451.850	451.875	451.900	451.925
451.950	451.975	452.000	452.025
452.050	452.075	452.100	452.125
452.150	452.175	452.200	452.225
452.250	452.275	452.300	452.325
452.350	452.375	452.400	452.425
452.450	452.475	452.500	452.625
452.650	452.675	452.700	452.725
452.750	452.775	452.800	452.825
452.850	452.875	452.900	452.975
453.000	456.025	456.050	456.075
456.100	456.125	456.150	456.175
456.200	456.225	456.250	456.275
456.300	456.325	456.350	456.375
456.400	456.425	456.450	456.475
456.500	456.525	456.550	456.575
456.600	456.625	456.650	456.675
456.700	456.725	456.750	456.775
456.825	456.850	456.875	456.900
456.925	456.950	456.975	457.000
457.025	457.050	457.075	457.100
457.125	457.150	457.175	457.200
457.225	457.250	457.275	457.300
457.325	457.350	457.375	457.400
457.425		457.475	457.500
457.625	457.650	457.675	457.700
457.725	457.750	457.775	457.800
457.825	457.850	457.875	457.900
457.975	458.000	462.200	462.225
462.250	462.275	462.300	462.325
462.350	462.375	462.400	462.425
462.450	462.475	462.500	462.525
467.200	467.225	467.250	467.275
467.300	467.325	467.350	467.375
467.400	467.425	467.450	467.475
467.500	467.525		

(b) The following frequencies may be assigned to fixed stations in the Industrial Radio Services (except Business) on a secondary basis to land mobile operations in the Public Safety, Special Emergency, and Land Transportation Radio Services.

FREQUENCIES MHz

452.050	452.100	452.150	452.200
452.225	452.250	452.275	452.300
452.325	452.350	452.375	452.400
452.425	452.450	452.475	452.500
452.625	452.650	452.675	452.700
452.725	452.750	452.775	452.800
452.825	452.850	452.875	452.900
453.050	453.100	453.150	453.200
453.225	453.250	453.275	453.300
453.325	453.350	453.375	453.400
453.425	453.550	453.575	453.500
453.525	453.550	453.575	453.600
453.625	453.650	453.675	453.700
453.725	453.750	453.775	453.800
453.825	453.850	453.875	453.900
453.925	453.950	453.975	457.050
457.100	457.150	457.200	457.225
457.250	457.275	457.300	457.325
457.350	457.375	457.400	457.425
457.450	457.475	457.500	457.625
457.650	457.675	457.700	457.725
457.750	457.775	457.800	457.825
457.850	457.875	457.900	
458.050	458.100	458.150	458.200

FREQUENCIES MHz—Continued

458.225	458.250	458.275	458.300
458.325	458.350	458.375	458.400
458.425	458.450	458.475	458.500
458.525	458.550	458.575	458.600
458.625	458.650	458.675	458.700
458.725	458.750	458.775	458.800
458.825	458.850	458.875	458.900
458.925	458.950	458.975	460.025
460.050	460.075	460.100	460.125
460.150	460.175	460.200	460.225
460.250	460.275	460.300	460.325
			460.350
	452.375	460.400	460.425
460.450	460.475	460.500	460.525
			460.550
	460.575	460.600	460.625
465.025	465.050	465.075	465.100
			465.125
	465.150	465.175	465.200
465.225	465.250	465.275	465.300
			465.325
	465.350	465.375	465.400
465.425	465.450	465.475	465.500
			465.525
	465.550	465.575	465.600
465.625			

(c) The following frequencies may be assigned to fixed stations in the Land Transportation Radio Services on a secondary basis to land mobile operations in the Public Safety and Industrial (except Business) Radio Services.

FREQUENCIES MHz

451.025	451.050	451.075	451.100
451.125	451.150	451.175	451.200
451.225	451.275	451.300	451.325
451.350	451.375	451.400	451.425
451.450	451.475	451.500	451.525
451.550	451.575	451.600	451.625
451.650	451.675	451.700	451.725
451.750	451.775	451.825	451.850
451.875	451.900	451.925	451.950
451.975	452.000	452.025	452.075
452.125	452.175	452.975	453.000
453.050	453.100	453.150	453.200
453.225	453.250	453.275	453.300
453.325	453.350	453.375	453.400
453.425	453.450	453.475	453.500
453.525	453.550	453.575	453.600
453.625	453.650	453.675	453.700
453.750	453.775	453.800	453.825
453.850	453.875	453.900	453.925
453.950	453.975	456.025	456.050
456.075	456.100	456.125	456.150
456.175	456.200	456.225	456.250
456.275	456.300	456.325	456.350
456.375	456.400	456.425	456.450
456.475	456.500	456.525	456.550
456.575	456.600	456.625	456.650
456.675	456.700	456.725	456.750
456.775	456.825	456.850	456.875
456.900	456.925	456.950	456.975
457.000	457.025	457.075	451.125
457.175	457.975	458.000	458.050
458.100	458.200	458.225	458.250
458.275	458.300	458.325	458.350
458.375	458.400	458.425	458.450
458.475	458.500	458.525	458.550
458.575	458.600	458.625	458.650
458.675	458.700	458.725	458.750
458.775	458.800	458.825	458.850
458.875	458.900	458.925	458.950
460.025	460.050	460.075	460.100
460.125	460.150	460.175	460.200
460.225	460.525	460.250	460.275
460.300	460.325	460.350	460.375
460.400	460.425	460.450	460.475
460.500	460.550	460.575	460.600
460.625	462.200	462.225	462.250
462.275	462.300	462.325	462.350
462.375	462.400	462.425	462.450
462.475	462.500	462.525	465.025
465.050	465.075	465.100	465.125
465.150	465.175	475.200	465.225
465.250	465.275	465.300	465.325
465.350	465.375	465.400	465.425
465.450	465.475	465.500	465.525
465.550	465.575	465.600	465.625

FREQUENCIES MHz—Continued

467.200	467.225	467.250	467.275
467.300	467.325	467.350	467.375
467.400	467.425	467.450	467.475
467.500	467.525		

(d) Frequencies subject to section 90.75(c)(26) may be used secondarily for fixed operations subject to the technical limitations of this section.

§ 90.263 Substitution of frequencies below 25 MHz.

Frequencies below 25 MHz when shown in radio service frequency listings under this part will be assigned to base or mobile stations only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 MHz will not meet the operational requirements of the applicant. These frequencies are available for assignment in many areas; however, in individual cases such assignment may be impracticable due to conflicting frequency use authorized to stations in other services by this and other countries. In such cases, a substitute frequency, if found to be available, may be assigned from the following bands 1605-1750, 2107-2170, 2194-2495, 2505-2850, 3155-3400, or 4438-4650 kHz. Since such assignments are in certain instances subject to additional technical and operation limitations, it is necessary that each application also include precise information concerning transmitter output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. (This section is not applicable to the Radiolocation Radio Service, Subpart F.)

§ 90.265 Assignment and use of frequencies in the bands 169-172 MHz and 406-413 MHz.

(a) The following frequencies are available for assignment to fixed stations in the Power, Petroleum, Forest Products, Special Industrial, Business and Railroad Radio Services subject to the provisions of this section:

FREQUENCIES (MHz)

169.425	170.275	171.125	406.175
169.450	170.300	171.825	409.675
169.475	170.325	171.850	409.725
169.500	171.025	171.875	412.625
169.525	171.050	171.900	412.675
170.225	171.075	171.925	412.725
170.250	171.100	406.125	412.775

(b) The use of these frequencies is limited to transmitting hydrological or meteorological data.

(c) All use of these frequencies is on a secondary basis to Federal Government stations and the hydrological or meteorological data being handled must be made available on request to governmental agencies.

(d) Other provisions of this part notwithstanding, an operational fixed station operating on these frequencies shall not communicate with any station in the mobile service unless written authorization to do so has been obtained from the Commission.

(e) Persons who desire to operate stations on these frequencies should communicate with the Commission for instructions concerning the procedure to be followed in filing formal application.

Subpart L—Authorization in the Band 470–512 MHz (UHF-TV Sharing)

§ 90.301 Scope.

This subpart governs the authorization and use of frequencies by land mobile stations in the band 470-512 MHz on a geographically shared basis with Television Broadcast stations. Under this special sharing plan, different radio services are allocated different specific frequencies in this band depending upon the geographic urban area involved as fully detailed in the following rule sections.

§ 90.303 Availability of frequencies.

(a) Frequencies in the band 470-512 MHz are available for assignment in the urbanized areas listed below. The specific frequencies available to each radio service are listed in section 90.311.

Frequency Availability for Land Mobile Use

Urbanized area	Geographic center		Channel	Frequencies (megahertz)
	North latitude	West longitude		
Boston, Mass.	42°21'24"	71°03'24"	14	470-476
			16	482-488
Chicago, Ill.[1]	41°52'28"	87°38'22"	14	470-476
			15	476-482
Cleveland, Ohio [2]	41°29'51"	81°41'50"	14	470-476
			15	476-482
Dallas/Fort Worth, Tex	32°47'09"	96°47'37"	16	482-488
Detroit, Mich.[3]	42°19'48"	83°02'57"	15	476-482
			16	482-488
Houston, Tex	29°45'26"	95°21'37"	17	488-494
Los Angeles, Calif	34°03'15"	118°14'28"	14	470-476
			20	506-512
Miami, Fla	25°46'37"	80°11'32"	14	470-476
New York	40°45'06"	73°59'39"	14	470-476
Northeastern, N.J.			15	476-482
Philadelphia, Pa.	39°56'58"	75°09'21"	19	500-506
			20	506-512
Pittsburgh, Pa	40°26'19"	80°00'00"	14	470-476
			18	494-500
San Francisco	37°46'39"	122°24'40"	16	482-488
Oakland, Calif.			17	488-494
Washington, D.C.	38°53'51"	77°00'33"	17	488-494
Maryland			18	494-500
Virginia				

[1] In the Chicago, Ill., urbanized area, channel 15 frequencies may be used for paging operations in addition to low power base/mobile usages, where applicable protection requirements for ultrahigh frequency television stations are met.

[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.

§ 90.305 Location of stations.

(a) The transmitter site(s) for base station(s), including mobile relay stations, shall be located not more than 80 km. (50 mi.) from the geographic center of the urbanized area listed in § 90.303.

(b) Mobile units shall be operated within 48 km. (30 mi.) of their associated base station or stations. Such units may not be operated aboard aircraft in flight except as provided for in § 90.315(i).

(c) Control stations must be located within the area of operation of the mobile units.

(d) Base and control stations shall be located a minimum of 1.6 km. (1 mi.) from local television stations operating on UHF TV channels separated by 2, 3, 4, 5, 7, and 8 TV channels from the

television channel in which the base station will operate.

§ 90.307 Protection criteria.

The tables and figures listed in § 90.309 shall be used to determine the proper power (ERP) and antenna height of the proposed land mobile base station and the proper power (ERP) for the associated control station (control station antenna height shall not exceed 31 m. (100 ft.) above average terrain (AAT)).

(a) Base stations operating on the frequencies available for land mobile use in any listed urbanized area and having an antenna height (AAT) less than 152 m. (500 ft.) shall afford protection to co-channel and adjacent-channel television stations in accordance with the values set out in Tables A and E of this subpart, 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.

(b) For base stations having antenna heights between 152-914 meters (500-3,000 ft.) above average terrain, except as noted in paragraph (f), the effective radiated power must be reduced below 1 kilowatt in accordance with the values shown in the power reduction graph in Figure A, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where the effective radiated power must be reduced in accordance with Figure B. For heights of more than 152 m. (500 ft.) above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the Grade B contour of a co-channel TV station, (Grade B contour defined in Section 73.683(a)) an authorization will not be granted unless it can be shown that actual terrain considerations are such as to provide the desired protection at the Grade B contour, or that the effective radiated power will be further reduced so that, assuming free space attenuation, the desired protection at the Grade B contour will be achieved.

(c) Mobile units and control stations operating on the frequencies available for land mobile use in any given urbanized area shall afford protection to co-channel and adjacent channel television stations in accordance with the values set forth in Table C and paragraph (d) of this section 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 Table D and paragraph (d) of this section.

(d) The minimum distance between a land mobile base station which has associated mobile units and a protected adjacent channel television station is 90 miles (145 km).

(e) The television stations to be protected (co-channel, adjacent channel, IM, and IF) in any given urbanized area, in accordance with the provisions of subparagraphs (a), (b), (c), and (d) 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.

(f) For stations in the Los Angeles urbanized area with antenna elevations of 457 m. or more (1,500 ft.) above sea level, the maximum authorized effective radiated power (ERP) shall be in accordance with the following table:

Antenna height (above sea level)	Power, effective radiated power (watts)
1,500 to 2,000 ft (457 to 609 m)	155
2,000 to 2,500 ft (609 to 762 m)	100
2,500 to 3,000 ft (762 to 914 m)	70
3,000 to 3,500 ft (914 to 1,066 m)	50
3,500 to 4,000 ft (1,066 to 1,219 m)	40
4,000 to 4,500 ft (1,219 to 1,371 m)	30
Above 4,500 ft (1,371 m)	25

NOTE.—Existing stations may continue to use presently authorized powers until Jan. 1, 1980.

§ 90.309 Tables and figures.

(a) *Directions for using the tables.*

(1) Using the method specified in 73.611 or charts or maps of suitable scale, determine the distances (i) between the proposed land mobile base station and the protected cochannel television station and (ii) between the proposed land mobile base station and the protected adjacent channel television station. If the exact mileage does not appear in table A for protected co-channel television stations (or table B for channel 15 in New York and Cleveland and channel 16 in Detroit) or table E for protected adjacent channel television stations, the next lower mileage separation figure is to be used.

(2) Entering the proper table at the mileage figure found in paragraph (1) above, find opposite, a selection of powers that may be used for antenna heights ranging from 50 (15 m) to 500 (152 m) feet (AAT). If the exact antenna height proposed for the land mobile base station does not appear in the proper table, use the power figure beneath the next greater antenna height.

(3) The lowest power found using the tables mentioned in (1) and (2) above is the maximum power that may be employed by the proposed land mobile base station.

(4) In determining the average elevation of the terrain, the elevations between 2 (3 km) and 10 (16 km) miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 (17 km) miles. 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 co-channel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 (12 m) to 100 (30 m) 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 (61 m) to 400 (122 m) feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic chart may be used. The average elevation of the 8-mile distance between 2 (3 km) and 10 (17 km) 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 (Scale 1:24000) whichever is the latest. If such maps are not published for the area in question, the next best topographic information should be used.

(5) Applicants for base stations in the Miami, Fla., urbanized area may, in lieu of calculating the height of average terrain, use 10 feet (3 m) as the average terrain height.

TABLE A.—*Base Station—Cochannel Frequencies (50 dB Protection) Maximum Effective Radiated Power (ERP)* [1]

	Antenna height in feet (AAT)									
	50 (15 m)	100 (30 m)	150 (45 m)	200 (61 m)	250 (76 m)	300 (91 m)	350 (106 m)	400 (122 m)	450 (137 m)	500 (152 m)
Distance in miles: [2]										
162 (260 km)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
160 (257 km)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	800
155 (249 km)	1,000	1,000	1,000	1,000	1,000	875	775	700	625	575
150 (241 km)	1,000	1,000	950	775	725	625	550	500	450	400

TABLE A.—*Base Station—Cochannel Frequencies (50 dB Protection) Maximum Effective Radiated Power (ERP)* [1]

	Antenna height in feet (AAT)									
	50 (15 m)	100 (30 m)	150 (45 m)	200 (61 m)	250 (76 m)	300 (91 m)	350 (106 m)	400 (122 m)	450 (137 m)	500 (152 m)
Distance in miles: [2]										
145 (233 km)	850	750	650	575	500	440	400	350	320	300
140 (225 km)	600	575	475	400	350	300	275	250	230	225
135 (217 km)	450	400	335	300	255	240	200	185	165	150
130 (209 km)	350	300	245	200	185	160	145	125	120	100
125 (201 km)	225	200	170	150	125	110	100	90	80	75
120 (193 km)	175	150	125	105	90	80	70	60	55	50

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

[2] At this distance from transmitter site of protected UHF television station.

TABLE B.—*Base Station—Cochannel Frequencies (40 dB Protection) Maximum Effective Radiation Power (ERP)* [1]

	Antenna height in feet (AAT)									
	50 (15 m)	100 (30 m)	150 (45 m)	200 (61 m)	250 (76 m)	300 (91 m)	350 (106 m)	400 (122 m)	450 (137 m)	500 (152 m)
Distance in miles: [2]										
130 (209 km)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
125 (201 km)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	850	750	725
120 (193 km)	1,000	1,000	1,000	1,000	900	750	675	600	550	500
115 (185 km)	1,000	1,000	800	725	600	525	475	425	375	350
110 (177 km)	850	700	600	500	425	375	325	300	275	225
105 (169 km)	600	475	400	325	275	250	225	200	175	150
100 (161 km)	400	325	275	225	175	150	140	125	110	100
95 (153 km)	275	225	175	125	110	95	80	70	60	50
90 (145 km)	175	125	100	75	50					

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

[2] At this distance from transmitter site of protected UHF television station.

TABLE C.—*Mobile and Control Station—Distance Between Associated Base Station and Protected Cochannel TV Station*

[50 dB protection]

	Distance	
	Miles	Kilometers
Effective radiated power (watts) of mobile unit and control station:		
200	155	249
150	151	243
100	145	233
50	135	217
25	125	201
10	117	188
5	112	180

TABLE D.—*Mobile and Control Station—Distance in Miles Between Associated Land Mobile Base Station and Protected Cochannel TV Station*

[40 dB protection]

	Distance	
	Miles	Kilometers
Effective radiated power (watts) of mobile unit and control station:		
200	130	209
150	125	201
100	120	193
50	115	185
25	110	177
10	105	169
5	100	161

TABLE E.—*Base Station Adjacent Channel Frequencies Maximum Effective Radiated Power (ERP)* [1]

	Antenna height in feet (AAT)									
	50 (15 m)	100 (30 m)	150 (45 m)	200 (61 m)	250 (76 m)	300 (91 m)	350 (106 m)	400 (122 m)	450 (137 m)	500 (152 m)
Distance in miles: [2] [3]										
67 (108 km)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
66 (106 km)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	750
65 (104 km)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	825	650	600
64 (103 km)	1,000	1,000	1,000	1,000	1,000	1,000	775	625	500	400
63 (101 km)	1,000	1,000	1,000	1,000	1,000	650	450	325	325	225
62 (99 km)	1,000	1,000	1,000	1,000	525	375	250	200	150	125
61 (98 km)	1,000	1,000	700	450	250	200	125	100	75	50
60 (96 km)	1,000	1,000	425	225	125	100	75	50		

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

[2] At this distance from transmitter site of protected UHF television station.

[3] The minimum distance is 90 miles (145 km) where there are mobile units associated with the base station. See sec. 90.307(d).

TABLE "F"

DECIBEL REDUCTION/POWER EQUIVALENTS

dB reduction below 1 kW:	*ERP permitted (figures rounded)*
1	795
2	630
3	500
4	400
5	315
6	250
7	200
8	160
9	125
10	100
11	80
12	65
13	50
14	40
15	30
16	25
17	20
18	15
19	12
20	10
21	8
22	6
23	5
24	4
25	3
26	2.5
27	2
28	1.5
29	1.25
30	1

(b) *Directions for Using the Figures.*

(1) Determine antenna height above average terrain. (According to 90.309(a)(4).)

(2) Locate this value on the antenna height axis.

(3) Determine the separation between the LM antenna site and the nearest protected co-channel TV station. (According to 73.611.)

(4) Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown in the graph use linear interpolation.

(5) From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.

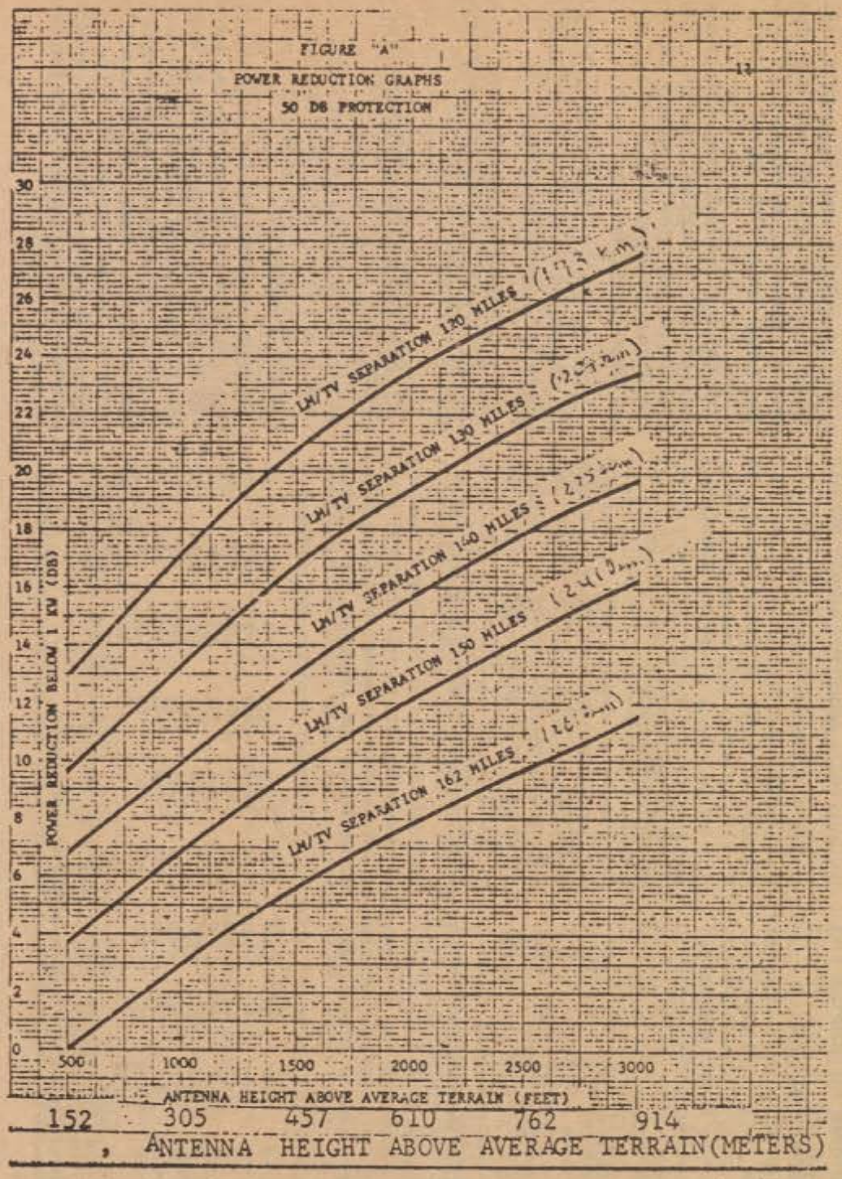
(6) The power reduction in dB determines the reduction below 1 kW that must be achieved.

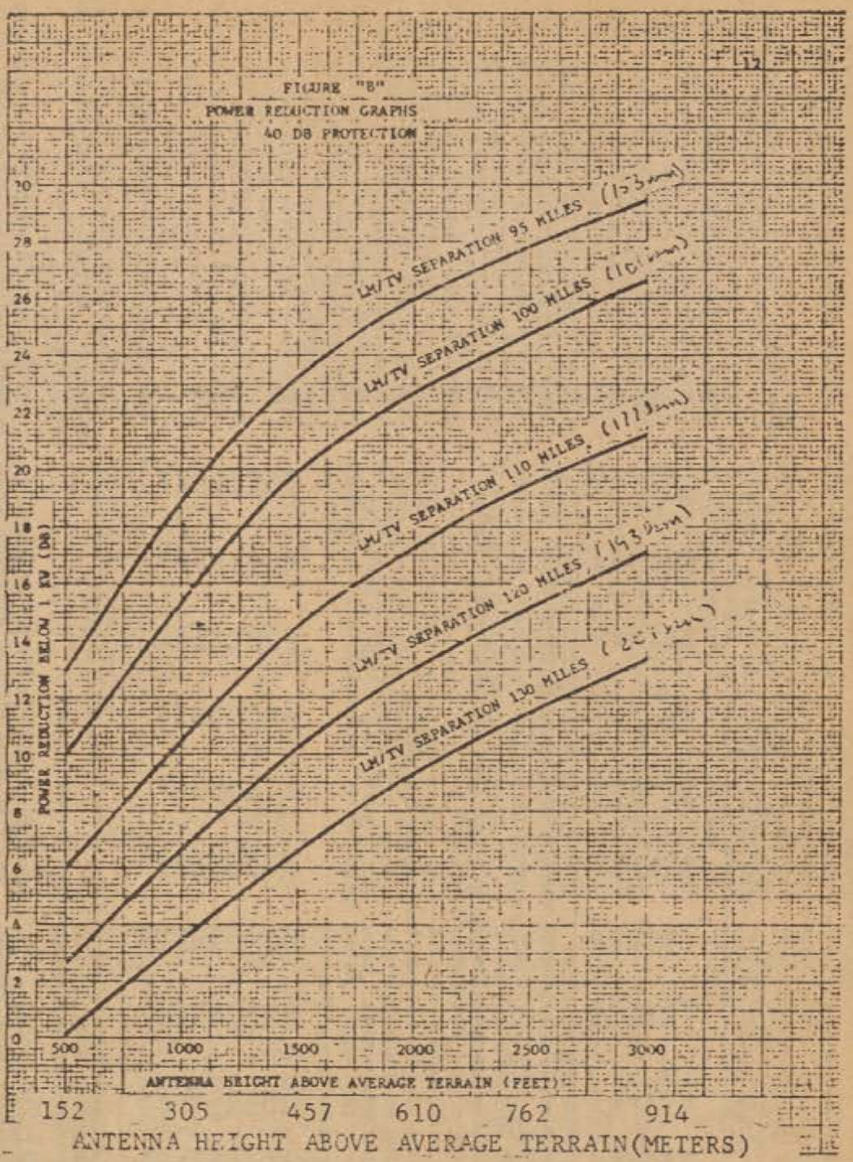
(7) See Table F for dB/power equivalents.

§ 90.311 Frequencies.

Except as provided for in § 90.315, the following frequencies in the band 470–512 MHz may be assigned to eligibles in the services as indicated below. 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.

[6712-01-C]


FIGURE "A"
POWER REDUCTION GRAPHS
50 DB PROTECTION
LM/TV SEPARATION 120 MILES (193 Km)
LM/TV SEPARATION 130 MILES (209 Km)
LM/TV SEPARATION 140 MILES (225 Km)
LM/TV SEPARATION 150 MILES (241 Km)
LM/TV SEPARATION 162 MILES (261 Km)
POWER REDUCTION BELOW 1 KV (DB)
0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30
500 1000 1500 2000 2500 3000
ANTENNA HEIGHT ABOVE AVERAGE TERRAIN (FEET)
152 305 457 610 762 914
ANTENNA HEIGHT ABOVE AVERAGE TERRAIN (METERS)


FIGURE "B"
POWER REDUCTION GRAPHS
40 DB PROTECTION
LM/TV SEPARATION 95 MILES (153 Km)
LM/TV SEPARATION 100 MILES (161 Km)
LM/TV SEPARATION 110 MILES (177 Km)
LM/TV SEPARATION 120 MILES (193 Km)
LM/TV SEPARATION 130 MILES (209 Km)
POWER REDUCTION BELOW 1 KV (DB)
0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30
500 1000 1500 2000 2500 3000
ANTENNA HEIGHT ABOVE AVERAGE TERRAIN (FEET)
152 305 457 610 762 914
ANTENNA HEIGHT ABOVE AVERAGE TERRAIN (METERS)

FREQUENCIES ASSIGNED IN SERVICE POOLS

Urbanized area (channel assignment)	Public safety pool		Industrial pools						Land transportation pools					
	Fire, police, local government, highway maintenance and forestry conservation radio service		Power and telephone maintenance radio service		Special industrial radio service		Business radio service		Petroleum, forest products and manufacturers radio service		Railroad, motor carrier and automobile emergency radio service		Taxicab radio service		General access pool	
	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
Boston:																
Channel 14	470.3125 to 471.1375 & 473.3125 to 474.1375		471.3125 to 471.3875 & 474.3125 to 474.3875		471.4625 & 471.4875 & 474.4625 & 474.4875		471.8125 to 472.0625 & 472.1125 to 472.2125 & 472.2625 & 474.4625 to 475.0625 & 475.1125 to 475.2125 & 475.2625		None		472.4625 to 472.5375 & 472.5875 to 472.6875 & 472.7375 472.7875 & 475.4625 to 475.5375 & 475.5875 to 475.6875 & 475.7375 475.7875		472.3625 to 472.4375 & 475.3625 to 475.4375		470.3125 to 472.9875 & 473.3125 to 475.9875	
Channel 16	482.3125 to 483.1375 & 485.3125 to 486.1375		None		483.4875 to 484.3375 & 486.4875 to 487.3375		None		None		None		None		482.3125 to 484.9875 & 485.3125 to 487.9875	
Chicago:																
Channel 14	470.3125 to 471.1375 & 473.3125 to 474.1375		None		471.4375 to 471.6375 & 474.4375 to 474.6375		471.8125 to 472.3375 & 472.6375 to 472.7875 & 472.9125 472.9625 472.9875 & 474.8125 to 475.3375 & 475.6375 to 475.7875 & 475.9125 475.9625 475.9875		472.8125 475.8125		472.4625 to 472.6125 & 472.9375 & 475.4625 to 475.6125 & 475.9375		None		470.3125 to 472.9875 & 473.3125 to 475.9875	
Channel 15	None		None		None		None		None		None		None		476.3125 to 478.9875 & 479.3125 to 481.9875	
Cleveland:																
Channel 14	None		None		None		None		None		None		None		470.3125 to 472.9875 & 473.3125 to 481.9875	
Channel 15	None		None		None		None		None		None		None		476.3125 to 478.9875 & 479.3125 to 475.9875	
Detroit:																
Channel 15	None		None		None		None		None		None		None		476.3125 to 478.9875 & 479.3125 to 481.9875	
Channel 16	None		None		None		None		None		None		None		482.3125	485.3125

FREQUENCIES ASSIGNED IN SERVICE POOLS

Urbanized area (channel assignment)	Public safety pool		Industrial pools								Land transportation pools					
	Fire, police, local government, highway maintenance and forestry conservation radio service		Power and telephone maintenance radio service		Special industrial radio service		Business radio service		Petroleum, forest products and manufacturers radio service		Railroad, motor carrier and automobile emergency radio service		Taxicab radio service		General access pool	
	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile	Base and mobile	Mobile
Los Angeles:																
Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	473.3125 & 471.4125	474.3125 & 474.4125	471.4375 to 471.6375	474.4375 to 474.6375	471.1625 to 471.2875 & 471.6625 to 472.4375	474.1625 to 474.2875 & 474.6625 to 475.4375	472.8375 & 472.8875	475.8375 & 475.8875	472.4625 to 472.7875	475.4625 to 475.7875	472.9875	475.9875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 20	506.3125 to 507.2625	509.3125 to 510.2625	507.3125 & 507.4125	510.3125 & 510.4125	507.4375 to 507.6375	510.4375 to 510.6375	507.6625 to 508.4375 & 507.2875	510.6625 to 511.4375 & 510.2875	508.8125 & 508.8875	511.8125 & 511.8875	508.4625 to 508.7875	511.4625 to 511.7875	508.9125	511.9125	506.3125 to 508.9875	509.3125 to 511.9875
New York:																
Channel 14	470.3125 to 471.4125	473.3125 to 474.4125	472.9625 & 472.9875	475.9625 & 481.9875	471.4375 to 471.6375	474.4375 to 474.6375	471.6625 to 472.3375 & 472.7625 to 472.8875	474.6625 to 475.3375 & 475.7625 to 475.8875	None		472.4625 to 472.6125	511.4625 to 475.6125	472.3625 to 472.4375 & 472.6375 to 472.6625 472.7375 472.6875	475.3625 to 475.4375 & 475.6375 to 475.6625 475.7375 475.6875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	476.3125 to 477.4125	479.3125 to 480.4125	478.9625 & 478.9875	481.9625 & 481.9875	477.4375 to 477.6375	480.4375 to 480.6375	477.6625 to 478.3375 & 478.7625 478.8875	480.6625 to 481.3375 & 481.7625 481.8875	None		478.5125 to 478.4875 & 478.6875	481.5125 to 481.4875 & 481.6875	478.3625 to 478.6625	481.5125 to 481.6625	476.3125 to 478.9875	479.3125 to 481.9875
Philadelphia:																
Channel 19	500.3125 to 500.4375 & 500.5625 & 500.6625 & 500.6875 501.7375 & 500.7875 to 500.9125 500.9625 500.9875 & 501.0625 & 501.1125 501.1375	503.3125 to 503.4375 & 503.5625 & 503.6625 & 503.6875 503.7375 & 503.7875 to 503.9125 503.9625 503.9875 & 504.0625 & 504.1125 504.1375	None		501.4375 to 501.4875 & 501.5375 501.6125	504.4375 to 504.4875 & 504.5375 504.6125	501.8125 to 502.3375	504.8125 to 505.3375	None		502.4625 to 502.7875	505.4625 to 505.7875	None		500.3125 to 502.9875	503.3125 to 505.9875

Channel 20	None	None	None	507.8125 to 508.1875 & 508.2375 to 508.3375	510.8125 to 511.1875 & 511.2375 to 511.3375	None	None	None	508.3125 to 508.9875	509.3125 to 511.9875
Pittsburg:										
Channel 14	None	None	None	471.8125	474.8125	None	None	None	470.3125 to 472.9875	473.3125 to 475.9875
Channel 18	None	None	None	None		None	None	None	488.3125 to 490.9875	491.3125 to 493.9875
San Francisco										
Channel 16	482.0125 to 482.1875 & 482.2375 to 482.3375 & 482.3875 to 482.4875 & 482.5375 to 482.5625 & 482.6125 to 482.6875 & 482.7625 to 482.8125 & 482.9125 to 483.0125	485.0125 to 485.1875 & 485.2375 to 485.3375 & 485.3875 to 485.4875 & 485.5375 to 485.5625 & 485.6125 to 485.6875 & 485.7625 to 485.8125 & 485.9125 to 486.0125	None	483.1375 to 483.6375	486.4375 to 486.6375	483.8125 to 484.3375	486.8125 to 486.3375	None	484.4625 to 484.7875	487.4625 to 487.7875	None	482.3125 to 484.9875	485.3125 to 487.9875
Channel 17	488.3625 to 488.4625 & 488.5125 to 488.5625 & 488.6125 to 488.6875 & 488.7375 to 488.7625 & 488.8375 to 488.8625 & 488.9125 to 488.9625 & 489.0125 to 489.0625 & 489.1125 to 489.1375	491.3625 to 491.4625 & 491.5125 to 491.5625 & 491.6125 to 491.6875 & 491.7375 to 491.7625 & 491.8375 to 491.8625 & 491.9125 to 491.9625 & 492.0125 to 492.0625 & 492.1125 to 492.3125	None	489.4375 to 489.6375	492.4375 to 492.6375	488.8125 to 488.3375	491.8125 to 492.3375	490.8375 & 490.8625 & 490.9125 & 490.9625	493.8375 & 493.8625 & 493.9125 & 493.9625	490.4625 to 490.5625 & 490.6125 to 490.6625 & 490.7125 & 490.7625	493.4625 to 493.5625 & 493.6125 to 493.6625 & 493.7125 & 493.7625	None	488.3125 to 490.9875	491.3125 to 493.9875
Washington D.C.										
Channel 17	488.3125	491.3125	None	None		None		None	None		None	488.3125 to 490.9875	491.3125 to 493.9875
Channel 18	494.3125 to 496.4125	497.3125 to 498.4125	None	495.5875 to 496.6375	498.5875 to 498.6375	495.6875 to 496.2125	4986.875 to 499.2125	None	496.4625 to 496.6125	499.4625 to 499.6125	496.3625 & 496.3875	499.3625 & 499.3875	494.3125 to 496.9875	497.3125 to 499.9875

(1) Channel availability in the General Access Pool in any of the urbanized areas referred to in the table depends upon whether that channel is presently assigned to users in one of the service pools. If unassigned, or should a channel subsequently become unassigned, it will be treated as available in the General Access Pool.

(2) Frequencies in the General Access Pool will be made available to applicants after all channels presently assigned are substantially loaded in accordance with the standards set out in 90.313 of this section. Channels from the General Access Pool will be assigned starting with the lowest frequency available at the time and progress towards the high end of the General Access Pool. Normally, each channel should be substantially filled before the next one will be assigned.

(b) Miami, Fla., Dallas, Tex., and Houston, Tex. urbanized areas.

Channel 14 (Miami)	Channel 16 (Dallas)	Channel 17 (Houston)
470.3125 to 475.9875	482.3125 to 487.9875.	488.3125 to 493.9875.

(1) Base station frequencies for the Public Safety Radio Service will be assigned serially beginning at 470.7125 MHz for Miami, 482.7125 MHz for Dallas, and at 488.7125 MHz for Houston and progressing a channel at a time upward and downward from those points.

(2) Base station frequencies for the Petroleum, Forest Products, and Manufacturers Radio Services will be assigned serially beginning at 470.3125 MHz for Miami, 482.3125 MHz for Dallas, and 488.3125 MHz for Houston and progressing upward from those points a channel at a time.

(3) Base station frequencies for the Special Industrial Radio Service will be assigned serially beginning at 471.4375 MHz for Miami, 483.4375 MHz for Dallas, and 489.4375 MHz for Houston and progressing a channel at a time upward and downward from those points.

(4) Base station frequencies for the Business Radio Service will be assigned serially beginning at 472.3625 MHz for Miami, 484.3625 MHz for Dallas, and 489.3625 MHz for Houston and progressing a channel at a time upward and downward from those points.

(5) Base station frequencies for the Power and Telephone Maintenance Radio Services will be assigned serially beginning at 471.2625 MHz for Miami, 483.2625 MHz for Dallas, and 489.2625 MHz for Houston and progressing a channel at a time upward and downward from those points.

(6) Base station frequencies for the Railroad, Motor Carrier, and Automobile Emergency Radio Services will be assigned serially beginning at 471.7825 MHz for Miami, 483.7825 MHz for Dallas, and 489.7825 MHz for Houston and progressing upward and downward from those points a channel at a time.

(7) Base station frequencies for the Taxicab Radio Service will be assigned serially beginning at 472.9875 MHz for Miami, 484.9875 for Dallas, and 490.9875 MHz for Houston and progressing a channel at a time downward from those points.

§ 90.313 Frequency loading criteria.

(a) Except as provided for in paragraph (b), the maximum channel loading on frequencies in the 470-512 MHz band is as follows:

(1) 50 units in the Public Safety Radio Services.

(2) 70 units in the Industrial Radio Services (except business).

(3) 90 units in the Business Radio Service.

(4) 150 units in the Taxicab Radio Service, except in the New York Northeast New Jersey urbanized areas where the loading is 200 units.

(5) 70 units in the Railroad, Motor Carrier, and Automobile Emergency Radio Services except in the intra-urban passenger carrier sub-category of the Motor Carrier Radio Service where the loading is 150 units.

(b) If a licensee has exclusive use of a frequency, then the loading standards in paragraph (a) may be exceeded. If it is a shared channel, the loading standards can be exceeded upon submission of a signed statement by all those sharing the channel agreeing to the increase.

(c) A unit is defined as one vehicular mobile unit or two hand-carried transmitter-receivers for the Public Safety Services, three hand-units for the Industrial, and Land Transportation Services. 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 pair. 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 64 km. (40 mi.), (32 km. (20 mi.) for Channel 15, Chicago: Channel 20, Philadelphia and Channel 17, Washington or more from the location of base stations 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. In the Industrial Radio Services, if the base station facility is to be used by more than a single licensee, the frequency assigned to it will not be reassigned for use by another facility within 64 km. (40 mi.) or 32 km. (20 mi.) where applicable for a period of 12 months, *Provided*, That the facility is constructed within 90 days from the date of the first grant, meets the loading standards to at least 50 percent within 9 months, and meets all loading standards within 12 months.

§ 90.315 Special provisions governing use of frequencies in the 488-494 MHz band (TV Channel 17) in the Southern Louisiana Offshore Zone.

(a) The frequency bands from 490-491 and 493-494 MHz will be available for assignment to stations governed by this part within the Southern Louisiana Offshore Zone. The boundaries of the Southern Louisiana Offshore Zone are from longitude 87°45′ on the east to longitude 94°00′ on the west, and from the three mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south. These frequencies may also be assigned to fixed stations located on shore designed to provide communications service within the zone.

(b) Offshore Base/Mobile, and offshore and shore fixed stations may be authorized.

(c) F2, F3, F4, F9, and A2, A3, A4, and A9 emissions may be authorized.

(d) Offshore stations shall afford cochannel protection to TV Channel 17, Bude, Miss. Station operating parameters shall be in accordance with the values given in Table I.

TABLE 1.—*Protection of Cochannel Television Stations by Offshore Stations Operating in the Southern Louisiana Zone (65 dB Protection); Maximum Effective Radiated Power (in Watts)*

	Antenna height above sea level		
	100 ft	150 ft	200 ft
Distance from transmitter to TV channel 17, Bude, Miss. (in miles):			
210	1,000	1,000	1,000
205	1,000	900	800
200	800	710	630
195	590	520	450
190	450	400	330
185	320	280	240
180	250	210	175
175	175	150	130
170	130	110	100
165	95	80	70
160	65	55	50
155	50	40	35
150	35	30	25

NOTE.—To determine the maximum permissible effective radiated power:

(1) As specified in sec. 73.611 determine the distance between the proposed station and channel 17, Bude, Miss. If the exact mileage does not appear in table 1, the next lower mileage separation is to be used.

(2) Opposite this mileage figure ERPs are given that may be used for antenna heights of 100, 150, or 200 ft ASL. If the exact antenna height is not shown, the ERP allowed will be that shown for the next higher antenna height.

(e) Shore stations communicating point-to-point with offshore stations will be permitted at least the same ERP as the offshore station, but only in the direction of the offshore station. A directional antenna shall be used and the rearward radiated power from the antenna in a sector ±22½° from the line joining the shore antenna to Bude, Miss., shall not exceed those shown in Table 2.

TABLE 2.—*Maximum Rearward Effective Radiated Power Allowed for Shore Stations in the Southern Louisiana Zone; Rearward Effective Radiated Power (in Watts) From Shore Antenna in a Sector ±22½° From the Line Joining the Shore Antenna to Bude, Miss.*

	Antenna height above ground					
	100 ft	150 ft	200 ft	300 ft	500 ft	750 ft
Distance from transmitter to TV channel 17, Bude, Miss. (in miles):						
185	320	280	240	190	125	90
180	250	210	175	125	100	60
175	175	150	130	100	70	50
170	130	110	100	75	40	35
165	95	82	70	50	35	25
160	65	55	50	40	25	20
155	50	40	35	30	20	15
150	35	30	25	20	15	10
145	25	20	18	15	10	7
140	18	15	13	10	7	5
135	13	10	9	7	5	3
130	10	8	6	5	3	2
125	7	6	5	4	3	2
120	5	4	3	3	2	1

NOTE.—As an example of the use of tables 1 and 2, assume an offshore station located 180 mi from Bude, Miss. with an antenna height of 100 ft. Table 1 allows this station to operate with 250 W ERP. Now assume the shore station communicating with the offshore station is 30 mi from the offshore station and 150 mi from Bude, Miss. The shore station antenna height is 500 ft above ground. The shore station will be allowed the same ERP as the offshore station (250 W) in the direction of the offshore station. Table 2 indicates that the effective radiated power in a sector ±22½° from the line joining the shore antenna to Bude, Miss. can only be 15 W. Consequently, a directional antenna must be used whose minimum front-to-back ratio over this 45° sector must be at least 12.2 dB. (250 W forward power to 15 W rearward power is a power ratio of 16.6 or 12.2 dB).

(f) To provide co-channel protection to TV Channel 17, no shore station will be allowed closer than 120 miles from Bude, Miss., coordinates 31°22'19" N and 90°45'05" W.

(g) To provide adjacent channel protection to TV Channel 18 in Lake Charles, Louisiana, no shore or offshore stations shall be allowed within an 80 mile distance of Lake Charles, Louisiana, whose coordinates are 30°13'45' N and 93°12'52" W.

(h) Mobile stations shall not operate closer to shore than 4 miles beyond the three mile limit and and shall not operate with an ERP in excess of 100 watts with 30 ft. maximum antenna height.

(i) Mobile stations installed in aircraft shall operate 7 miles beyond the three mile limit and shall not operate with an ERP in excess of 1 watt or at heights in excess of 1000 feet AMSL.

(j) The following frequencies are available for assignment in all services for use in the Southern Louisiana Zone as defined in paragraph (a) of this section.

PAIRED FREQUENCIES (MHz)

Transmit (or received)	*Receive (or transmit)*
490.025–490.975	493.025–493.975

Only the first and last assignable frequencies are shown. Frequencies shall be assigned in pairs with 3 MHz spacing between transmit and receive frequencies. Assignable frequency pairs shall occur in increments of 25 kHz.

(k) Fixed stations operating point-to-point shall be assigned frequencies beginning with 490.025/493.025 MHz and progressing upwards utilizing available frequencies towards the end of the band. Offshore Base/mobile stations shall be assigned frequencies beginning at 490.975/493.975 MHz and progressing downwards utilizing available frequencies towards the beginning of the band. All frequency assignments are subject to the conditions specified in § 91.8.

(l) Bandwidths other than 25 kHz may be authorized upon an adequate showing of need. An application requesting such authorization shall fully describe the modulation, emission and bandwidth desired, the bandwidth to be occupied, and justification for the request.

Subpart M—Special Regulations Governing Licensing and Use of Frequencies in the 806–821 MHz and 851–866 MHz Bands

§ 90.351 Scope.

This subpart sets out the regulations governing the licensing and operations of conventional and trunked stations authorized in the 806–821 MHz and 851–866 MHz bands. It includes eligibility requirements, application procedures, operational, and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of the subpart shall govern with respect to licensing and operation in these frequency bands.

APPLICATIONS FOR AUTHORIZATIONS IN THE 806–821 MHz AND 851–866 MHz BANDS

§ 90.355 Eligibility.

The following persons are eligible for licensing in the 806–821 MHz and 851–866 MHz bands.

(a) Any person eligible for licensing under Subparts B, C, D, or E of this part.

(b) Any person proposing to provide private dispatch service to any person eligible for licensing under Subpart B, C, D, or E of this part on a not-for-profit, cost-shared basis.

(c) Any person except wire line telephone common carriers proposing to provide, on a commercial basis, base station and ancillary facilities for the use of persons eligible for licensing under Subparts B, C, D, or E of this part.

§ 90.357 Forms to be used.

Applications for conventional and trunked radio facilities shall be submitted on FCC Form 400, and such applications shall be filed with the Commission, at its offices in Washington, D.C. Where the facility is to be established in the Chicago Regional area FCC Form 425 shall be used and all such applications shall be filed with th Chicago Regional Office. In addition, FCC Form 400–S shall be filed by all applicants.

§ 90.359 Supplemental information to be furnished by applicants for facilities under this subpart.

(a) Applicants for conventional or trunked systems of communication shall, in addition to the information required by FCC Form 400 or FCC Form 425 furnish the following data and material:

(1) Where the applicant is a person proposing to provide dispatch service to eligibles under § 90.179 on a not-for-profit, cost-shared basis, he shall furnish:

(i) A copy of the plan or agreement under which service will be offered. It must be in sufficient detail to show that such service will be provided at cost.

(ii) A statement of the purposes for which the system is to be used and of the planned mode of operation.

(iii) The names and addresses of each person to participate in the sharing arrangement.

(iv) A statement showing that each participant is eligible to use the system for the purposes for which it is to be employed.

(2) Where the applicant is a person proposing to provide dispatch service to eligibles under this part on a commercial basis, he shall supply:

(i) A statement of the purposes for which the system is to be used and of the planned mode of operation.

(ii) A statement certifying that no person not eligible to use the proposes facility for the purposed for which it is to be authorized will be offered or provided service over or through the licensee's base station facility.

(iii) A copy of the basic agreement under which the dispatch service will be offered.

(3) Where the applicant is subject to the provisions of § 90.373 he shall furnish the following information:

(i) A list of any trunked stations licensed to the applicant.

(ii) A list of any trunked stations licensed to any other person or entity directly or indirectly controlled by the applicant or which directly or indirectly controls the applicant.

(4) All applicants for conventional radio systems shall furnish a list of all conventional radio systems licensed to them or proposed by them within 64 km. (40 mi.) from the location of the base station transmitter site of the facility applied for.

(b) All applicants for conventional systems shall specify the number of vehicle or portable units to be placed in operation upon grant of the authorization and the number of such units that will be placed in operation within 8 months of the date of grant.

(c) All applicants of trunked systems shall specify the number of mobile units to be placed in operation within the term of the license; *Provided, however,* Where the applicant applies for more than the minimum 5 channels, and elects to construct in 5-channel stages, he shall so specify and shall state the number of mobile units to be placed in operation by the end of two years from the date of the grant of his station authorization.

(d) Each applicant shall furnish a functional system diagram illustrating the inter-relationship of all stations being applied for, together with technical details (including antenna height (AAT) and effective radiated power (ERP)), together with his proposed area of coverage and the signaling methods he will employ.

§ 90.361 Special limitations on amendment of applications for assignment or transfer of authorizations for radio systems used to provide service to persons other than the licensee.

(a) No application for a conventional or trunked radio system proposing radio facilities to be made available for use by a single user or by multiple users on a commercial basis may be amended so as to substitute a new entity except in the following circumstances:

(1) The amendment does not involve a substantial change in the ownership or control of the applicant; or

(2) The changes in the ownership or control of the applicant are involuntary due to the original applicant's insolvency, bankruptcy, incapacity, or death.

(b) A license to operate a radio facility for the purposes described in paragraph (a) of this section may not be assigned or transferred prior to the completion of construction of the facility; *Provided, however,* The Commission may give its consent to the assignment or transfer of control of such a license where the applicant shows:

(1) That the assignment or transfer does not involve a substantial change in ownership or control of the authorized radio facilities; or,

(2) That the assignment or transfer is involuntary due to the licensee's insolvency, bankruptcy, incapacity, or death.

Policies Governing the Processing of Applications and the Selection and Assignment of Frequencies for Use in the 806-821 MHz and 851-866 MHz Bands

§ 90.363 Processing of applications.

Applications for facilities to operate in the 806-821 MHz and 851-866 MHz bands will be processed as follows:

(a) All applications will first be considered to determine whether they are substantially complete and acceptable for filing. If so, they will be assigned a file number and put in pending status. If not, they will be returned to the applicant.

(b) All applications in pending status will be processed in the order in which they are received. The order in which they are received will be determined by the time and date on which the original proposal was filed with the Commission.

(c) Each application will then be reviewed to determine whether it can be granted. Should it be granted, frequencies or channels will be assigned by the Commission in accordance with its assignment policies and loading criteria.

(d) Where, upon examination, it is determined that the proposal must be dismissed, that application will be returned; and the priority accorded it will no longer obtain.

(e) Where, upon examination, it is determined that the proposal cannot be granted or dismissed, but that it must be designated for hearing, such action will be taken.

§ 90.365 Selection and assignment of frequencies.

(a) The Commission will select and assign frequencies for operation in the 806-821 MHz and 851-866 MHz bands.

(1) For trunked systems, the assignment of frequencies will be made, in accordance with applicable loading criteria, in minimum groups of five and in maximum groups of twenty channel pairs. All mobile and control station frequencies will be chosen from those allocated in the 806-821 MHz band. Mobile station transmitting frequencies will commence with Channel No. 1 at 820.9875 MHz, followed by Channel No. 2 at 820.9625 MHz, and proceed to the band end with uniform 25 kHz channeling; and base station transmitting frequencies will be selected by the Commission and assigned from those allocated in the 851-866 MHz band, commencing with Channel No. 1 at 865.9875 MHz, followed by Channel No. 2 at 865.9625 MHz, and proceed to the band end with uniform 25 kHz channeling. The spacing between associated mobile and base station frequencies shall be, uniformly, 45 MHz.

(2) For conventional systems the assignment of frequencies will be made in accordance with applicable loading criteria. Accordingly, depending upon the number of mobile units to be served, the applicant may either be required to share a channel, or, if the applicant shows a sufficient number of mobile units to warrant the assignment of one or more channels for its exclusive use, he may be licensed to use such channel or channels on an exclusive basis in his area of operation.

(3) For conventional systems, mobile station transmitting frequencies, as well as those for use by control sta-

tions, will be selected from those allocated in the 806–821 MHz band. Mobile and control station transmitting frequencies will commence with Channel No. 1 at 806.0125 MHz, followed by Channel No. 2 at 806.0375 MHz, and proceed to the band end with uniform 25 kHz channeling. Base station transmitting frequencies will be selected and assigned from those allocated in the 851–866 MHz band, with Channel No. 1 commencing at 851.0125 MHz, followed by Channel No. 2 at 851.0375 MHz, and proceed to the band end with uniform 25 kHz channeling. The spacing between associated mobile and base station frequencies shall be, uniformly, 45 MHz.

(b) Stations authorized by the Commission to operate in the 806–821 and 851–866 MHz band will be afforded protection solely on the basis of the mileage separation criteria set out below. Only co-channel interference between base station operations will be taken into consideration. Adjacent channel and other types of possible interference will not be taken into account.

(1) For trunked systems, the minimum separation between co-channel systems must be 112 km. (70 mi.) except that no trunked system shall be less than 168 km. (105 mi.) distant from co-channel wide area trunked systems on any of the following mountian top sites: Santiago Peak, Sierra Peak, Mount Lukens, Mount Wilson (California).

(2) For urban-conventional systems, co-channel base stations will be authorized only when the separation between the centers of the urban areas involved is at least 160 km. (100 mi.).

(3) For suburban-conventional systems, co-channel base stations will be authorized only when the separation between the centers of the suburban loading areas involved is at least 176 km. (110 mi.)

(4) For a suburban conventional system to operate co-channel with an urban conventional system, the distance between the center of the urban area and the center of the suburban loading area must be at least 176 km. (110 mi.).

(5) The minimum distance from any of the following four sites: Santiago Peak, Sierra Peak, Mount Lukens, and Mount Wilson (California) to the center of the nearest co-channel "urban" area, must be 192 km. (120 mi.) and to the center of the nearest co-channel suburban loading area (for a suburban-conventional station), must be 208 km. (130 mi.).

(c) Notwithstanding the provisions of paragraph (b)(2) of this section, where an assigned channel of an urban-conventional system is not fully loaded in accordance with applicable loading criteria, and where the transmitter site of that system is located within 24 km. (15 mi.) from the center of the urbanized area involved, the Commission may issue additional authorizations for facilities to be located within 24 km. (15 mi.) of the center of that urbanized area until the channel in question is occupied in conformity with applicable loading criteria.

(d) Notwithstanding the provisions of paragraph (b)(3) of this section, where an assigned channel of a suburban-conventional system is not fully loaded in accordance with applicable loading criteria, the Commission may issue additional authorizations for facilities to be located within 40 km. (25 mi.) of the transmitter site of the first station authorized until the channel in question is occupied in conformity with applicable loading criteria.

(e) Notwithstanding the provisions of paragraph (b)(5) of this section, where a channel is assigned for use at either Santiago Peak, Sierra Peak, Mount Lukens, or Mount Wilson (California) and the channel is not fully loaded in accordance with applicable loading criteria, the Commission may issue additional authorizations for wide-area-coverage facilities to be located at the same site area until the channel in question is occupied in conformity with applicable loading criteria. A channel previously assigned at one such site area may not be used at any of the three remaining designated mountain-top sites.

(f) UHF television translator stations using UHF output channels from Channel 70 through Channel 83, shall operate on a secondary basis to land mobile stations using the UHF bands allocated under this subpart for land mobile use, and, accordingly, such television translator stations will not be protected from interference from such authorized land mobile stations.

(g) Pending further negotiations with Canada and Mexico, land mobile stations operating in the 806–890 MHz band shall do so on a secondary basis to any Canadian or Mexican television station placed in operation on television channels in this band.

(h) See table below:

TABLE 1.—*Urbanized Areas*

Urbanized area	Geographic center	
	North latitude	West longitude
Akron, Ohio	41°05'00"	81°30'44"
Albany-Schenectady-Troy, N.Y.	42°39'01"	73°45'01"
Atlanta, Ga.	33°45'10"	84°23'37"
Baltimore, Md.	39°17'26"	76°36'45"
Birmingham, Ala.	33°31'01"	86°48'36"
Boston, Mass.	42°21'24"	71°03'24"
Buffalo, N.Y.	42°53'12"	78°52'30"
Chicago, Ill.	45°52'28"	87°38'22"
Cincinnati, Ohio	39°06'07"	84°30'35"
Cleveland, Ohio	41°29'51"	81°41'50"
Columbus, Ohio	39°57'47"	83°00'17"
Dallas, Tex.	32°47'09"	96°47'37"
Dayton, Ohio	39°45'32"	84°11'43"
Denver, Colo.	39°44'58"	104°59'22"
Detroit, Mich.	42°19'48"	83°02'57"
Fort Lauderdale-Hollywood, Fla.	26°07'30"	80°09'00"
Fort Worth, Tex.	32°44'55"	97°19'44"
Houston, Tex.	29°45'26"	95°21'37"
Indianapolis, Ind.	39°46'07"	86°09'46"
Jacksonville, Fla.	30°19'44"	81°39'42"
Kansas City, Mo.-Kans.	39°04'56"	94°35'20"
Los Angeles, Calif.	34°03'15"	118°14'28"
Louisville, Ky.-Ind.	38°14'47"	85°45'49"
Miami, Fla.	25°46'37"	80°11'32"
Memphis, Tenn.-Mississippi	35°08'46"	90°03'13"
Milwaukee, Wis.	43°02'19"	87°54'15"
Minneapolis-St. Paul, Minn.	44°58'57"	93°15'43"
New Orleans, La.	29°56'53"	90°04'10"
New York-northeastern New Jersey	40°45'06"	73°50'39"
Norfolk-Portsmouth, Va.	36°51'10"	76°17'21"
Oklahoma City, Okla.	35°28'26"	97°31'04"
Omaha, Nebr.-Iowa	41°15'42"	95°56'14"
Philadelphia, Pa.-New Jersey	39°56'58"	75°09'21"
Phoenix, Ariz.	33°27'12"	112°04'28"
Pittsburgh, Pa.	40°26'19"	80°00'00"
Portland, Oreg.-Wash.	45°31'06"	122°40'35"
Providence-Pawtucket-Warwick, R.I.-Mass.	41°49'32"	71°24'41"
Rochester, N.Y.	43°09'41"	77°36'21"
Sacramento, Calif.	38°34'57"	121°29'41"
St. Louis, Mo.-Ill.	38°37'45"	90°12'22"
St. Petersburg, Fla.	27°46'18"	82°38'19"
San Antonio, Tex.	29°25'37"	98°29'06"
San Bernardino-Riverside, Calif.	34°06'30"	117°17'28"
San Diego, Calif.	32°42'53"	117°09'21"
San Francisco-Oakland, Calif.	37°46'39"	122°24'40"
San Jose, Calif.	37°20'16"	121°53'24"
Seattle, Wash.	47°36'32"	122°20'12"
Springfield-Chicopee-Holyoke, Mass.-Conn.	42°06'21"	72°35'32"
Toledo, Ohio-Mich.	41°39'14"	83°32'39"
Washington, D.C.-Maryland-Virginia	38°53'51"	77°00'33"

§ 90.367 Limitation on the number of frequencies assignable for conventional systems.

(a) The maximum number of frequency pairs that may be assigned to any one licensee for the operation of a conventional radio system shall be five, except for licensees in the Taxicab Radio Service.

(b) Where an applicant proposes to operate a conventional radio system to provide facilities for the use to a single person or entity eligible under Subparts B, C, D, or E of this part, he may be assigned only the number of frequency pairs justified on the basis of the requirements of the proposed user of the system.

(c) No more than five frequency pairs may be assigned to any person proposing to operate one or more conventional radio systems to provide facilities for use by more than a single entity, if there is any overlap of the 40 dBu contour of the proposed new facility and any of the 40 dBu contours

of any station authorized to that person, or to any person or entity in which he has a direct or indirect interest.

NOTE.—For the purposes of this subsection, the 40 dBu contour is assumed to be that obtained using maximum effective radiated power and antenna height permitted by this subpart.

§ 90.369 Other criteria to be applied in assigning channels for use in conventional systems of communication.

(a) In every case, the Commission will examine a proposal to determine the requirements of the applicant in terms of the number of mobile units to be served, together with the nature of the activities the applicant is engaged in. Where the applicant shows that the channel will be loaded to 70 percent of its assigned capacity, as defined in § 90.377 then that channel will be made available to that applicant for his exclusive use in the area in which he proposes to operate. Where the showing made justifies the assignment of more than one channel to the applicant, then additional frequencies will be made available for his use.

(b) Where an applicant proposes to furnish service to eligibles under Subparts B, C, D, or E of this part on a commercial basis, using a conventional system of communication, his application will be considered on the same basis as that of an applicant for private or shared communication facilities.

(c) In loading channels, the Commission will further consider the mode of operation planned; the purposes for which the system is to be used, as noted; the persons to be served by the station and other factors. The other factors shall include the following:

(1) Mobile relay or repeater operations will not be assigned on channels to be used in two-frequency simplex mode, and conversely.

(2) Systems employing full duplex mode of operation will not be licensed on frequencies assigned for mobile relay or two-frequency simplex systems.

(3) Applicants in one service group, where possible, will not be required to share with applicants in other service groups, where the loading criteria of the services involved are different, except where circumstances require it.

(4) Push-to-talk operations will not be licensed on channels which are to be used under other modes of operation, except in those cases where it is shown that such method of operation is feasible.

(d) The Commission, in addition to the foregoing standards, set out at paragraph (c) of this section, may take into consideration any other factor which might enable the persons licensed to use a given channel or channels in more efficient and effective ways.

(e) There shall be no limit on the number of systems authorized to operate in any one given area except that imposed by allocation limitations; and no person authorized to operate any radio facility under the provisions of this subpart shall have a right to protest proposals on grounds other than violation of or inconsistency with the provisions of this subpart. All grants are made subject to this condition and to the other conditions and standards set out in this chapter.

(f) No applicant shall be required to obtain any approval from a state or local regulatory authority to operate facilities authorized pursuant to these rules. State or local regulation may be exercised only to the extent that it does not limit competition or otherwise conflict with these rules. There shall be no limit on the number of systems authorized to operate in any one given area except that imposed by allocation limitations; and no person authorized to operate any radio facility under the provisions of this subpart shall have a right to protest proposals on grounds other than violation of or inconsistency with the provisions of this subpart. All grants are made subject to this condition and to the other conditions and standards set out in this subpart.

§ 90.371 Limitation on the number of frequency pairs assignable for trunked systems and on the number of trunked systems.

(a) The maximum number of frequency pairs that may be assigned for the operation of a trunked radio system shall be twenty. The minimum number of frequencies that may be assigned for the operation of such a system shall be five.

(b) No more than a single trunked system will be authorized to any one licensee to provide radio facilities for the use of more than a single person or entity where the 40 dBu contour of the proposed facility will overlap the 40 dBu contour of any existing facility of the licensee, or of any concern in which he has a direct or indirect interest, or for which applications are pending, except where the applicant shows:

(1) That the additional trunked system will be used to provide radio facilities for a single entity, where the additional system is justified on the basis of the requirements of the proposed single user; or,

(2) That radio systems previously authorized to the applicant are being operated to at least 90 percent of their authorized capacity.

NOTE.—For the purposes of this paragraph, the 40 dBu contour is assumed to be that obtained using maximum effective radiated power and antenna height permitted by this chapter.

§ 90.373 Restriction on licensing manufacturers in the 806–821 MHz and 851–866 MHz bands.

No person engaged in the manufacture or production of radio frequency ("RF") equipment to be used in systems authorized under this subpart, or any person directly or indirectly controlled (through stock ownership or otherwise) by such manufacturing entity, may be licensed to operate more than one trunked system of communication to be used in providing base station and ancillary facilities to eligibles under Subpart B, C, D or E of this part.

CHANNEL LOADING REQUIREMENTS FOR TRUNKED AND CONVENTIONAL SYSTEMS OPERATING IN THE 806–821 AND 851–866 MHz BANDS

§ 90.375 Trunked systems loading requirements.

(a) Trunked systems of communication will be authorized on the basis of the loading criteria set out in this section.

(b) See table below:

TABLE 1.—*Loading Requirements for Trunked Systems*

Service group [1]	Vehicular radio units [2]		
	5-channel systems	10-channel systems	20-channel systems
Police and fire group	300	750	1,500
Business radio group [3]	500	1,000	2,000
Motor carrier group (urban and interurban passenger motor carriers only)	800	1,600	2,500
Other services group [3]	400	800	1,600
Mixed service group	500	1,000	2,000

[1] No provision is made for use for trunked systems by persons eligible in the taxicab radio service, since this mode of communication is not compatible with normal transmission requirements of taxicab companies.

[2] For loading trunked systems of communication, no distinction is made between vehicular and portable mobile units.

[3] When the primary activity of the licensee is the operation of urban or interurban passenger motor carriers, the loading requirements shall be as shown for the motor carrier group.

(c) Each applicant for trunked facilities shall certify that a minimum of 70 percent of the mobile units specified in his application will be placed in operation not later than the date on which the term of his license for the system expires.

(d) Any licensee, at any time his authorized trunked system is occupied to 90 percent of its specified capacity, may apply for additional channels. Assignments will be made based, first, upon the availability of frequencies for use by the licensee; and, second, based upon the showing made by the licensee of its requirements for additional channel pairs.

(e) Licensees of trunked facilities must commence construction within six months from the date of grant and complete construction within one year; *Provided, however,* That a licensee of a "trunked" facility assigned more than the minimum five-channel group may elect to construct the facility in stages. In this event, the licensee shall complete construction of the basic five-channel group of the authorized facility within the time limits given above; *Provided, further,* That should the licensee elect to proceed in this manner, then he must demonstrate that at the end of a two-year period from the date of the grant of his station authorization, the constructed facility is occupied to a minimum of 70 percent of the loading required, notwithstanding the provisions of paragraph (c) of this section.

§ 90.377 Conventional systems loading requirements.

(a) Conventional systems of communication will be authorized on the basis of the loading criteria set out in this section.

(b) See table below:

TABLE 1.—*Loading Requirements for Conventional Systems*

Service group	Channel loading units per channel vehicular/portable		
	Single/ licensee	2 to 5 licensees	Over 5 licensees
Police and fire group	50/100	40/80	30/60
Business radio group	90/180	70/140	50/100
Taxicab radio group [1]	150	125	100
Motor carrier radio group (urban and interurban passenger motor carriers, only)	150/300	125/250	100/200
Other services group [2]	70/140	50/100	40/60
Mixed service group		70/140	50/100

[1] No loading criteria for portable units in the taxicab radio group are given, since the requirements for units of this type has not been established in that service.

[2] Where the primary activity of the licensee is the operation of urban or interurban passenger motor carriers, the loading requirements shall be as shown for the motor carrier group.

(c) Every applicant for a conventional system of communication shall certify that a minimum of 70 percent of the mobile units specified in his application will be placed in operation not later than 8 months after the date of grant of his license for the system.

(d) Where licensees, authorized under the provisions of paragraph (c) of this section, do not load the channel or channels assigned in accordance with specified loading criteria, any (assigned channel) not so occupied shall be available for assignment to other applicants. All authorizations for conventional systems are issued subject to this condition.

(e) Any licensee, at any time its authorized conventional system is occupied to 90 percent of its specified capacity, may apply for additional channel pairs. Assignments will be made based, first, upon the availability of frequencies for use by the licensee, and, second, based upon the showing made by the licensee of its requirements for additional channel pairs.

TECHNICAL REGULATIONS REGARDING THE USE OF FREQUENCIES IN THE 806-821 MHz AND 851-866 MHz BANDS

§ 90.379 Limitations on power and antenna height.

(a) The maximum effective radiated power and antenna height, respectively, for base stations used in suburban-conventional systems of communication operating in the 851-866 MHz band shall be no greater than 500 watts (27 dBw) and 152 m. (500 ft.) above average terrain (AAT), or the equivalent thereof determined from table 1 of paragraph (c) of this section. These are maximum values, and applicants will be required to justify power levels and antenna heights requested. For service area requirements less than 32 km. (20 mi.) in radius, see table 3 of paragraph (c) of this section.

(b) The maximum effective radiated power and antenna height, respectively, for base stations used in trunked and urban conventional systems authorized in the 851-866 MHz band shall be no greater than 1 kilowatt (30 dBw) and 304 m. (1,000 ft.) above average terrain (AAT), or the equivalent thereof determined from table 1 of paragraph (c) of this section. These are maximum values, and applicants will be required to justify power levels and antenna heights requested. For service area requirements less than 32 km. (20 mi.) in radius, see table 3 of paragraph (c) of this section.

(c) See table below:

TABLE 1.—*Equivalent Powers and Antenna Heights for Base Stations in the 851-866 MHz Band Which Have a Requirement for a 32 km (20 mi) Service Area Radius*

Antenna height (AAT) (feet) (meters)	Effective radiated power (watts) [1] [2]	
	Urban/ trunked	Suburban
Above 5,000	65	15
4,501 to 5,000	65	15
4,001 to 4,500	70	20
3,501 to 4,000	75	25
3,001 to 3,500	100	30
2,501 to 3,000	140	35
2,001 to 2,500	200	50
1,501 to 2,000	350	80
1,001 to 1,500	600	160
501 to 1,000	[3] 1,000	220
Up to 500	1,000	[4] 500

[1] Power is given in terms of effective radiated power (ERP).

[2] Applicants in the Los Angeles, Calif., area who demonstrate a need to serve both the downtown and fringe areas will be permitted to utilized an ERP of 1 kw at the following mountaintop sites: Santiago Peak, Sierra Peak, Mount Lukens, and Mount Wilson.

[3] Stations with antennas below 1,000 ft (AAT) will be restricted to a maximum power of 1 kw (ERP).

[4] Stations with antenna below 500 ft (AAT) Will be restricted to a maximum powr of 500 W (ERP).

TABLE 2.—*Equivalent Powers and Antenna Heights for Suburban-Conventional Base Stations in the 851-866 MHz Band Which Have a Requirement for Less Than 20-mi Service Area Radius—Maximum Effective Radiated Power (Watts)*

Service area radius, miles (kilometers)	Base station antenna height (AAT) (feet)					
	401-500	301-400	201-300	101-200	51-100	0-50
20 (32)	500	500	500	500	500	500
19 (30)	400	500	500	500	500	500
18 (29)	310	385	500	500	500	500
17 (27)	235	300	385	500	500	500
16 (26)	175	220	285	440	500	500

TABLE 2.—*Equivalent Powers and Antenna Heights for Suburban-Conventional Base Stations in the 851-866 MHz Band Which Have a Requirement for Less Than 20-mi Service Area Radius—Maximum Effective Radiated Power (Watts)*—Continued

Service area radius, miles (kilometers)	Base station antenna height (AAT) (feet)					
	401-500	301-400	201-300	101-200	51-100	0-50
15 (24)	130	160	215	330	500	500
14 (22)	95	120	155	240	480	500
13 (21)	70	85	115	175	350	500
12 (19)	50	60	80	125	250	500
11 (18)	35	45	60	90	180	360
10 (16)	25	30	40	60	120	240
9 (14)	15	20	25	40	80	160
8 (13)	10	12	15	25	50	100
7 (11)	6	7	10	15	30	60
6 (10)	3	4	5	7	15	30
5 (8) or less	1	2	3	4	8	16

TABLE 3.—*Equivalent Powers and Antenna Heights for Urban-Conventional and Trunked System Base Stations in the 851-866 MHz Band Which Have a Requirement for Less Than 20-mi Service Area Radius—Maximum Effective Radiated Power (Watts)*

Service area radius (miles)	Base station antenna height (AAT)							
	751-1,000	501-750	401-500	301-400	201-300	101-200	51-100	0-50
20	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
19	860	1,000	1,000	1,000	1,000	1,000	1,000	1,000
18	640	830	1,000	1,000	1,000	1,000	1,000	1,000
17	480	625	960	1,000	1,000	1,000	1,000	1,000
16	360	470	720	900	1,000	1,000	1,000	1,000
15	270	350	540	675	875	1,000	1,000	1,000
14	200	260	400	500	650	1,000	1,000	1,000
13	140	180	280	350	450	700	1,000	1,000
12	100	130	200	250	325	500	1,000	1,000
11	70	90	140	175	230	350	700	1,000
10	45	60	90	110	145	220	440	1,000
9	30	40	60	75	100	150	300	600
8	20	25	40	50	65	100	200	400
7	15	20	30	40	50	80	160	320
6	8	10	16	20	25	40	80	160
5 or less	5	6	9	12	15	25	50	100

(d) The maximum output power of the transmitter for mobile stations is 100 watts (20 dBw).

§ 90.381 Restrictions on operational fixed stations.

(a) Except for control stations, operational fixed operations will not be authorized in the 806-821 and 851-866 MHz bands.

(1) Control stations associated with one or more mobile relay stations will be authorized only on the assigned frequency of the associated mobile station. Use of a mobile service frequency by a control station of a mobile relay system is subject to the condition that harmful interference not be caused to stations of licensees authorized to use the frequency for mobile service communication.

(2) Control stations shall in all cases employ directional antennas with the main lobe of radiation directed toward the station, or stations, being controlled. In each case, the antenna used, consistent with reasonable design, shall produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limits radiation in other directions to the extent feasible.

(3) The strength of the signal of a control station, controlling a single mobile relay station, may not exceed, by more than 6 dB, at the antenna terminal of the mobile relay receiver, the signal strength produced there by a unit of the associated mobile station. When the fixed station controls more than one mobile relay station, the 6 dB control-to-mobile signal difference need be verified at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location which is not more than one-fourth mile from the control station site.

(4) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available, upon request, for inspection by Commission personnel.

§ 90.383 Acceptability of transmitters for licensing in the 806-821 and 851-866 MHz bands.

Except for transmitters used in developmental stations, each transmitter utilized by a station authorized for operation in these bands must be a type which is included on the Commission's current Radio Equipment List, or be of a type which has been type-accepted by the Commission for use in these bands.

OPERATING REQUIREMENTS IN THE 806-821 MHz AND 851-866 MHz BANDS

§ 90.385 Restrictions and limitations on permissible communications, on use, and on mode of operation.

(a) Systems licensed to provide service to persons or entities eligible under Subparts B, C, D, or E of this part may, in conformity with the following restrictions, be used:

(1) Only for purposes expressly allowed under this part.

(2) Only by persons who are eligible for facilities, either under this subpart or in the radio services included under Subparts B, C, D, or E of this part.

(3) Only for the transmission of messages or signals permitted in the service in which the participants are eligible.

(4) Only in the private dispatch mode of operation.

(b) Except as provided at paragraph (c) of this section, radio systems licensed under this subpart may be used for voice communications (telephony), only.

(c) Notwithstanding any contrary provisions in this subpart, a system licensed for use by a person or entity eligible under Subparts B, C, D, or E of this part may be employed for any purpose or operated in any manner, including the use of F2, F4, F9, and F9Y emissions and in the Police and Fire Radio Services only, F3Y emission which is consistent with the regulations governing the service in which the user is eligible: *Provided*, That the loading standard which applies to the system is met and the channel or channels are assigned to that person or entity for its exclusive use.

§ 90.387 Station identification.

(a) Conventional systems of communication shall be identified in accordance with existing regulations governing such matters.

(b) Trunked systems of communication shall be identified through the use of an automatic device which transmits the call sign of the base station facility at 30-minute intervals. Such station identification shall be made on the lowest frequency in the base station trunk group assigned to the licensee. Should this frequency be in use at the time station identifica-

tion is required, such identification may be made at the termination of the communication in progress on this frequency. Identification may be by voice or International Morse Code. When the call sign is transmitted in International Morse Code, it should be at a rate of between 15 to 20 words per minute; and it should be transmitted by the means of tone modulation of the transmitter, the tone frequency being between 800 and 1000 hertz. The level of modulation is to be high enough to be clearly discernible, but low enough not to be disruptive of voice communications in progress.

§ 90.389 Restriction on interconnection.

Radio systems licensed under this subpart may be interconnected with wire line facilities of any telephone company; *Provided, however,* Such interconnection is accomplished at a control point or control station, which is situated at a fixed location (not in a mobile unit), licensed to the user, where a person directly responsible for the operation of the base station or stations is on duty, and where all of the applicable requirements set out at § 90.461–90.467 are met. Such interconnection may not be accomplished at the base station site or sites; nor may it be accomplished at any location other than the licensee's principal office or place of business. This shall be construed to bar interconnection at a common location, used for dispatching or for control, by the licensee together with other licensees or users, such as, a telephone answering service. *Provided further, however,* This provision shall not be interpreted to preclude common dispatching from such a location nor the relaying of messages through to mobiles of the licensee by such a dispatcher.

§ 90.391 Supplemental reports required of licensees authorized under this subpart.

(a) Licensees providing service to persons eligible either under Subparts B, C, D, or E of this part on a not-for-profit, cost-shared basis, shall, prior to furnishing service to any user not previously identified, notify the Commission of his intention to do so and furnish the Commission with sufficient information as to the prospective user to enable it to determine whether this person is eligible to participate in the sharing arrangement. Service to the participant may commence 30 days after such notification, unless the licensee is advised, in writing, of any deficiency in the licensees' showing or in the eligibility of the person to be served. In the latter case, until the deficiency is corrected or the user is shown to be qualified and eligible, he may not participate in the use of the system.

(b) Where a licensee provides service under the terms of an agreement, on a not-for-profit, cost-shared basis, such agreements may not be modified in any material respect until the changes in the terms and conditions are reported to, and approved by the Commission.

(c) Where a licensee provides service on a commercial basis, he shall not modify, in any material respect, the basic agreement under which such service is provided until the changes in its terms and conditions are reported to, and approved by, the Commission.

(d) Licensees offering service on a commercial basis to any person or entity eligible under either under either Subpart B, C, D, or E of this part, or to the public, must report, annually and at the time of filing applications for renewal of license, the number of mobile units being serviced; and such licensees shall, at that time, give the name and full address of each customer; the number of mobile units operated by each of them; and such other data as the party reporting may feel would be helpful in determining channel occupancy of the system, together with a certification that the terms of the basic agreement under which service is provided have not been modified or changed in any material respect. Such data shall be current as of the day and date falling 30 days prior to the date on which such licensees are required to file for renewal of their licenses, or, for the annual reports, at the close of the 12-month period covered by the annual report. The licensees of systems of the type covered by the provisions of this rule shall maintain records which, if referred to, will support any of the information required to be filed in the subject report. These records shall be available to the Commission upon request.

(e) Licensees furnishing service to eligible persons on a not-for-profit, cost-shared basis, shall, within 30 days of the close of the first full calendar year of operation, and each year thereafter, submit a report setting out the following information:

(1) A certification that during the period covered by the report, services have been offered and provided in accordance with the terms and conditions of the agreement approved by the Commission; that said agreement has not been modified or changed, except with the express approval of the Commission; and that records have been kept which show that service and facilities were made available on a not-for-profit, cost-shared basis. These records shall be available to the Commission upon request.

(2) A list of persons served during the period covered by the report.

(3) The number of mobile units operated by each user and a statement showing whether these units are of the vehicular or portable type.

(4) The total number of units served by the system during the period of the report, together with the number served on January 1st and on December 31st of the year of the report, and the average number of such mobile units served during this period of time.

(f) Licensees of trunked systems serving only themselves shall report annually, and at the time of filing applications for renewal of licenses, the number of mobile units being served, together with such other data as the licensees may feel would be helpful to the Commission in determining channel occupancy of their systems. Records supporting the information required in these reports shall be maintained by the licensees and shall be available to the Commission upon request.

(g) All licensees of conventional systems, in addition to the other requirements of this section, shall report the number of vehicular and portable units placed in operation within 8 months of the date of the grant of their license. Such reports shall be filed within 30 days from that date.

(h) All licensees of trunked systems shall report, within seven (7) months of the date of the grant, whether or not construction of the authorized facility has begun, and within thirteen months of the date of the grant, whether or not construction of the facility has been completed.

OTHER PROVISIONS GOVERNING THE USE OF THE 806–821 MHz AND 851–866 MHz BANDS

§ 90.393 Special conditions governing the furnishing of radio equipment by licensees.

Every licensee of a trunked or conventional system furnishing base station facilities on a commercial basis, under this subpart, shall afford users the option of purchasing, leasing, or renting the associated control and mobile station radio gear. Should a user elect to lease or to rent the equipment and should the lease or rental arrangement involve no more than five (5) transmitting/receiving units, the user must be given the further right to cancel the lease or rental agreement at any time, without penalty, on ten days' written notice.

§ 90.395 Number of systems authorized in a geographical area.

There shall be no limit on the number of trunked systems authorized to operate in any one given area except that imposed by allocation limitations and no person authorized to operate any trunked radio facility

shall have a right to protest any other proposal on grounds other than violation of any inconsistency with the provisions of this subpart. All grants are made subject to the conditions and standards set out in this subpart.

§ 90.397 Special licensing requirements for radio systems used to provide service to persons other than the licensee.

Where a conventional or a trunked radio system is to be used to provide radio facilities to a single user or to multiple users, on a commercial basis, any associated control points, control stations, and mobile radio stations shall be authorized only to the user of those particular facilities.

Subpart N—Operating Requirements

§ 90.401 Scope.

The subpart prescribes general operating requirements for stations licensed under this part. This includes station operating procedures, points of communication, permissible communications, methods of station identification, control requirements, and station record keeping requirements.

§ 90.403 General operating requirements.

(a) Licensees of radio stations in the private land mobile radio services shall be directly responsible for the proper operation and use of each transmitter for which they are licensed. In this connection, licensees shall exercise such direction and control as is necessary to assure that all authorized facilities are employed:

(1) Only for permissible purposes;

(2) Only in a permissible manner; and

(3) Only by persons with authority to use and operate such equipment.

(b) In carrying out their responsibilities under § 89.900(a), licensees shall be bound by the provisions of the Communications Act of 1934, as amended, and by the rules and regulations of the Commission governing the radio service in which their facilities are licensed; and licensees may not, through written or oral agreements or otherwise, relieve themselves of any duty or obligation imposed upon them, by law, as licensees.

(c) Each licensee shall restrict all transmissions to the minimum practicable transmission time and shall employ an efficient operating procedure designed to maximize the utilization of the spectrum.

(d) Communications involving the imminent safety-of-life or property are to be afforded priority by all licensees.

(e) Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.

(f) Stations licensed in this part shall not continuously radiate except where required for tests as permitted in Section 90.405, except where specifically permitted by this part, where specifically authorized in the station authorization, or on an as needed basis in the Radiolocation Radio Service.

(g) The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization and until such deviation is corrected. For transmissions concerning the imminent safety-of-life or property, the transmissions shall be suspended as soon as the emergency is terminated.

§ 90.405 Permissible communications.

Stations licensed under this part may transmit only the following types of communication:

(a) Any communication related directly to the imminent safety-of-life or property;

(b) Communications directly related and necessary to those activities which make the licensee eligible for the station license held under this part. In addition, when communication service is provided under the cooperative sharing provisions of § 90.179, the licensee providing such service may transmit communications related to the activities for which the parties receiving the service would be eligible to be licensed.

(c) Communications for testing purposes required for proper station and system maintenance. However, each licensee shall keep such tests to a minimum and shall employ every measure to avoid harmful interference.

§ 90.407 Communications permitted during emergency situations.

The licensee of any station authorized under this part may, during a period of emergency in which the normal communication facilities are disruptive as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication without regard to § 90.405, but in accordance with the following:

(a) As soon as possible after the beginning of such emergency use, notice is sent to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(b) The emergency use of the station be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington, D.C., and the Engineer in Charge be notified immediately when such special use of the station is terminated; and

(c) The Commission may at any time order discontinuance of such special use of the authorized facilities.

§ 90.409 Emergency operation of Public Safety and Special Emergency mobile stations at fixed locations.

During an emergency requiring a local communication center, any mobile transmitter authorized in the Public Safety or Special Emergency Radio Services may be operated temporarily as a base station at a fixed location for a period not to exceed ten days. If operation for a longer period is required, such operation must be specifically authorized.

§ 90.411 Civil Defense Communications in the Public Safety and Special Emergency Radio Services.

The licensee of any radio station licensed in the Public Safety or Special Emergency Radio Services may, on a voluntary basis, transmit communications necessary for the implementation of civil defense activities assigned such station by local civil defense authorities during an actual or simulated emergency, including drills and tests. Such communications, however, must relate to the activity or activities which form the basis of the licensee's eligibility in the radio service in which he is authorized.

§ 90.413 Civil Defense Communications in the Taxicab Radio Service.

In addition to communications permitted by § 90.405, stations in the Taxicab Radio Service may be used for the transmission of the following:

(a) Messages relating to the dispatch of taxicabs which are temporarily diverted from their normal public passenger transportation activities to the performance of civil defense transportation functions.

(b) Messages relating to the activities of the civil defense agency in those cases where other communications facilities including the Radio Amateur Civil Emergency Service, Disaster, or Domestic Public Services are inoperative or inadequate, either in fact or during a simulated civil defense emergency: *Provided*, That:

(1) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(2) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature or termination of any such series of tests.

(3) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

§ 90.415 Prohibited uses.

Stations licensed under this part shall not:

(a) Transmit program material of any kind for use in connection with broadcasting; or

(b) Render a communications common carrier service, except for stations in the Special Emergency Radio Service providing communications standby facilities under § 90.49, or operational fixed stations licensed in the Railroad Radio Service handling public telegraph messages as agents of telegraph common carriers in those instances where such public telegraph service cannot be efficiently provided through other railroad facilities.

§ 90.417 Interstation communication.

(a) Any station licensed under this part may communicate with any other station without restriction as to type, service, or licensee when the communications involved relate directly to the imminent safety-of-life or property.

(b) Any station licensed under this part may communicate with any other station licensed under this part, with U.S. Government stations, and with foreign stations, in connection with mutual activities, provided that where the communication involves foreign stations prior approval of the Commission must be obtained, and such communication must be permitted by the government that authorizes the foreign station. Communications by Police Radio Service stations with foreign stations will be approved only to be conducted in accordance with article 5 of the Inter-American Radio Agreement, Washington, D.C., 1949, the provisions of which are set forth in § 90.19(c).

§ 90.419 Points of communication.

Normally, operations licensed under this part are intended to provide intrastation mobile communications. For example, a base station is intended to communicate with its associated mobile stations and mobile stations are intended to communicate between associated mobile stations and associated base stations of the licensee. Accordingly, operations between base stations at fixed locations are permitted only in the following situations:

(a) Base stations licensed in the Public Safety and Special Emergency Radio Services may communicate with other base stations, operational fixed stations, or fixed receivers authorized in these services on frequencies below 450 MHz only on a secondary basis.

(b) Base stations licensed on any frequency in the Industrial and Land Transportation Radio Services and on base station frequencies above 450 MHz in the Public Safety and Special Emergency Services may communicate on a secondary basis with other base stations, operational fixed stations, or fixed receivers authorized in these services only when:

(1) The messages to be transmitted are of immediate importance to mobile stations; or

(2) Wireline communications facilities between such points are inoperative, economically impracticable, or unavailable from communications common carrier sources. Temporary unavailability due to a busy wireline circuit is not considered to be within the provisions of this subparagraph.

(c) Operational fixed stations may communicate with units of associated mobile stations only on a secondary basis.

(d) Operational fixed stations licensed in the Industrial and Land Transportation Radio Services may communicate on a secondary basis with associated base stations licensed in these services when:

(1) The messages to be transmitted are of immediate importance to mobile stations; or

(2) Wireline communications facilities between such points are inoperative, economically impracticable, or unavailable from communications common carrier sources. Temporary unavailability due to a busy wireline circuit is not considered to be within the provisions of this subparagraph.

(e) Travelers' Information Stations are authorized to transmit certain information to members of the traveling public (see Sec. 90.241).

§ 90.421 Operation of mobile units in vehicles not under the control of the licensee.

Mobile station transmitters may be installed in vehicles operated by persons other than the licensee as provided in the following paragraphs when necessary for the licensee to meet his requirements in connection with the activities for which he is licensed. The number of units so installed, together with units installed in vehicles operated by the licensee, must not exceed the number of mobile units authorized to the licensee. When an insufficient number of units is licensed to cover such additional units, the license must be modified to add a sufficient number of mobile units. The licensee is responsible for taking any necessary precaution to effectively eliminate the possibility of unauthorized operation of transmitters when not under the control of the licensee.

(a) Mobile units licensed in the Local Government Radio Service may be installed in any vehicle which in an emergency would require cooperation and coordination with the licensee, and in any vehicle used in the performance, under contract, of official activities of the licensee. This includes ambulances, emergency units of public utilities, lifeguard units, and vehicles of contractors or other persons or agencies performing for the licensee under contract one or more of its local government functions. This provision does not permit the installation of radio units in non-emergency vehicles not performing governmental functions under contract but with which the licensee might wish to communicate.

(b) Mobile units licensed in the Police Radio Services may be installed in any vehicle which in an emergency would require cooperation and coordination with the activities of the licensee. This includes emergency units of public utilities, lifeguard emergency units, ambulances, fire department vehicles and rural school buses.

(c) Mobile units licensed in the Fire Radio Service may be installed in emergency vehicles which may be alerted during a fire emergency. This includes emergency units of public utilities and water departments.

(d) Mobile units licensed in the Highway Maintenance Radio Service may be installed in vehicles of contractors or other persons having a direct responsibility for official highway activities.

(e) Mobile units licensed in the Forestry-Conservation Radio Services may be installed in vehicles of forestry cooperators, and persons having a direct responsibility in the prevention, detection, and suppression of forest fires.

(f) Mobile units licensed in the medical services category of the Special Emergency Radio Service may be installed in a vehicle or be hand-carried for use by any person with whom cooperation or coordination is required for medical services activities.

(g) Mobile units licensed in the Industrial Radio Services may be installed in vehicles of persons furnishing under contract to the licensee and for the duration of the contract, a facility or service directly related to the activities of the licensee.

(h) Mobile units licensed to an electric utility in the Power Radio Service on frequencies designated for use by an interconnected utility system may be installed in any vehicle operated by an organization or association comprised of interconnected electric utilities forming interconnections, power pools or groups.

(i) Mobile units authorized in the Automobile Emergency Radio Service may be installed in the vehicles of persons furnishing a private emergency road service to its members pursuant to a contract with the association.

§ 90.423 Operation on board aircraft.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, and except as may be provided in other sections of this part with respect to operation on specific frequencies, mobile stations first authorized after September 14, 1973, under this part may be operated aboard aircraft for air-to-mobile, air-to-base, air-to-air and air-to-ship communications subject to the following:

(1) Operations are limited to aircraft that are regularly flown at altitudes below one mile (1.6 km) above the earth's surface;

(2) Transmitters are to operate with an output power not to exceed ten watts;

(3) Operations are secondary to landbased systems;

(4) Such other conditions, including additonal reductions of altitude and power limitations, as may be required to minimize the interference potential to land-based systems.

(b) Exceptions to the altitude and power limitations set forth in paragraph (a) of this section may be authorized upon a showing of unusual operational requirements which justify departure from those standards, provided that the interference potential to regular land-based operations would not be increased.

(c) Mobile operations aboard aircraft in the services governed by this part, under licenses in effect September 14, 1973, may be continued without regard to provisions of paragraph (a) of this section, as follows:

(1) Operations may be continued only for the balance of the term of such licenses if aircraft involved are regularly flown at altitudes greater than one mile (1.6 km) above the earth's surface.

(2) Operations may be continued for one additional renewal license term if the aircraft involved are regularly flown at altitudes below one mile (1.6 km) above the earth's surface.

(d) Operation of radiolocation mobile stations may be authorized without regard to limitations and conditions set forth in paragraph (a), (b), and (c) of this section.

§ 90.425 Station identification.

Stations licensed under this Part shall transmit identification in accordance with the following provisions:

(a) *Identification procedure.* Except as provided in paragraph (d) of this section, each station shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety and Special Emergency Radio Services) during periods of continuous operation. The call sign shall be transmitted by voice in the English language, or by International Morse Code in accordance with paragraph (b) of this section. Permissible alternative identification procedures are as follows:

(1) A base station (including a mobile relay station) which is controlled by radio may be identified by the transmission of the call sign of the station at which communications originate.

(2) One or more fixed relay stations may be identified by the transmission of the call signs of the stations at which the communications originate.

(3) When a mobile station transmits on a different frequency than its associated base station, the assigned call sign of either the mobile station or the base station may be transmitted. Further, a single mobile unit in the licensee's authorized geographic area of operation may transmit station on behalf of any other operating mobile units in the fleet.

(4) *Use of an identifier other than the assigned call sign.* (i) In the Public Safety and Special Emergency Radio Services, mobile units licensed to a governmental entity and which operate on frequencies above 30 MHz may use an identifier which contains, at a minimum, the name of the licensee; *Provided,* That the licensee notifies, in writing, the Engineer-in-Charge of the field office area in which the units will operate, of the specific identifier(s) to be used by the mobile units.

(ii) In the Land Transportation Radio Services, licensees may request the Commission's local Engineer-in-Charge to approve the use of special mobile unit identifiers in lieu of the assigned call sign. Such requests, however, will not be granted where it appears that harmful interference to international operations may be caused by stations below 50 MHz, or by stations operating in areas within 50 miles of an international boundary, or where it appears that the proposed method of identification will not adequately distinguish the mobile units of the applicant from the mobile units of other licensees in the area.

(iii) In the Railroad Radio Service, stations may be identified by the name of the railroad and the train number, caboose number, engine number, or the name of the fixed wayside station. If none of these forms are practicable, any similar name or number may be designated by the railroad concerned for use by its employees in the identification of fixed points or mobile units; *Provided,* That, a list of such identifiers is maintained by the railroad. An abbreviated name or the initials of the railroad may be used where such are in general usage. In those areas where it is shown that no difficulty would be encountered in identifying the transmission of a particular station (as, for example, where stations of one licensee are located in a yard isolated from other radio installations), approval may be given to a request from the licensee for permission to omit the station identification.

(5) *Use of identifiers in addition to assigned call signs.* Nothing in this section shall be construed as prohibiting the transmission of station or unit identifiers which may be necessary or desirable for system operation, *Provided,* That, they are transmitted in addition to the assigned station call sign or other permissible form of identification.

(b) *Use of automatic Morse code identification equipment.* Automatically activated equipment may be used to transmit station identification in International Morse Code pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer-provided signal input terminal and shall be adjusted to produce 40 percent ± 10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 ± 800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should activation of automatic Morse code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will delay automatic station identification until such co-channel communications are completed.

(c) *Special provisions for identification in the Radiolocation Service.*

(1) Stations in the Radiolocation Service operating on frequencies below 3400 kHz shall identify on each carrier frequency by the transmission of the assigned call sign at the beginning and

end of each period of operation. Such identification shall be by the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunications Convention, Geneva, 1959, using A1 or A2 emission. For the latter emission, either the modulating audio frequency or the modulated emission may be keyed.

(2) Stations in the Radiolocation Service operating on frequencies above 3400 kHz are not required to identify except upon specific instruction from the Commission.

(D) *General exemptions.* A station need not transmit identification if:

(1) It is a mobile station operating on the transmitting frequency of the associated base station (or an associated control station in a mobile relay system) when communicating with a control station.

(2) It is a mobile station in the Police or Fire Radio Services using F3Y emission.

(3) It is transmitting for telemetering purposes or for the activation of devices which are employed solely as a means of attracting attention, or for remote control purposes, or which is retransmitting by self-actuating means, a radio signal received from another radio station or stations.

(4) It is any type of radiopositioning or radar station authorized in a service other than the Radiolocation Service.

(5) It is used solely for automatic vehicle monitoring or location.

§ 90.427 Precautions against unauthorized operation.

Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by and under the control of the licensee. Provisions of this part authorizing certain unlicensed persons to operate stations, or authorizing unattended operation of stations in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of station licensees to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations and transmitter units in accordance with the terms of the licenses of those stations.

§ 90.429 Control point and dispatch point requirements.

(a) *Control point required.* Unless permitted to be operated on an unattended basis, each station shall be provided with a control point;

(b) A control point is an operating position:

(1) Which must be under the control and supervision of the licensee;

(2) Where a person immediately responsible for the operation of the transmitter is stationed;

(3) Where the monitoring facilities required by this part are installed.

(c) *Control point location.* The location of the control point will be specified in the station license and will be assumed to be the same as that of the transmitting equipment unless an application for a different location has been approved by the Commission.

(d) *Control point facilities required.* At each control point, the following facilities shall be installed:

A carrier operated device which will provide continuous visual indication when the transmitter is radiating, or, a pilot lamp or meter which will provide continuous visual indication when the transmitter circuits have been placed in a condition to produce radiation. The provisions of this subparagraph shall not apply to hand-carried transmitters or transmitters installed on motorcycles. The control point for a transmitter utilized to activate another radio station may employ a single pilot lamp or meter as an indication of the activation of local and remote transmitters.

(2) Equipment to permit the person responsible for the operation of the transmitter to monitor aurally all transmissions orginating at dispatch points under his supervision;

(3) Facilities which will permit the person responsible for the operation of the transmitter either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the person responsible for the operation of the transmitter to turn the transmitter carrier on and off at will.

(e) *Dispatch point.* A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point who is responsible for the operation of the transmitter. Dispatch points may be installed without authorization from the Commission.

§ 90.431 Unattended operation.

No person is required to be in attendance at a station when transmitting during normal rendition of service and when either:

(a) Transmitting for telemetering purposes; or,

(b) Retransmitting by self-actuating means a radio signal received from another radio station or stations.

§ 90.433 Operator license requirements.

No operator license or permit is required for the operation of stations licensed under this part except as follows:

(a) *Maintenance and tests.* All transmitter adjustments or tests during the installation, servicing, or maintenance of a radio station which may affect the proper operation of such station shall be made by or under the immediate supervison and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment. Only persons holding a radiotelegraph first- or second-class operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) *Operation during the course of normal rendition of radiotelegraph service.* Only a person holding a commercial radiotelegraph operator license of any class issued by the Commission shall operate a station when transmitting radiotelegraphy by any type of the Morse Code, generally, only police zone and interzone stations will be transmitting radiotelegraphy.

§ 90.435 Posting of operator license.

Each person required to have an operator's license under this section shall post, or have immediately available at a place he is normally based or on duty, the original of his license, except that when he is performing duty at a station where he is not normally based, he shall have on his person a valid license identification card (FCC Form 785-F).

§ 90.437 Posting station licenses.

(a) The current original authorization for each station shall be retained as a permanent part of the station records but need not be posted.

(b) A clearly legible photocopy of the authorization for each base or fixed station at a fixed location shall be posted at every control point of the station.

§ 90.439 Inspection of stations

All stations and records of stations in these services shall be made available for inspection at any reasonable time and any time while the station is in operation upon reasonable request of an authorized representative of the Commission.

§ 90.441 Inspection and maintenance of tower marking and associated control equipment.

(a) The licensee of any radio station with an antenna structure that must be painted or illuminated as specified in the station authorization is required to maintain the tower marking and associated control equipment in accordance with the following:

(1) The tower lights shall be checked at least once each 24 hours. Assurance

that such lights are functioning properly shall be accomplished by visually observing either the tower lights or by observing an automatic indicator that registers any failure of such lights. Alternately, an automatic alarm system which detects any failure of the tower lights and indicates such failure to the licensee may be used but must be properly maintained.

(2) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within 30 minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(3) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(4) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(5) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

(b) Licensees operating stations licensed under this part which share a tower used for antenna and/or antenna supporting purposes with other licensees under this part or under this chapter, may designate in writing one licensee or an appropriate non-licensed agent to be responsible for maintenance and inspection of the tower, and maintenance of the inspection log. In such cases, a copy of the agreement must be filed with the Commission to be maintained in each participating licensee's station file.

§ 90.443 Content of station records.

Each licensee of a station in these services shall maintain records in accordance with the following:

(a) For all stations, the results and dates of the transmitting measurements required by § 90.215 of this part and the name of the person or persons making the measurements.

(b) When service or maintenance duties are performed on stations, the responsible operator shall sign and date an entry in the station record giving:

(1) Pertinent details of all duties performed by and under the supervision of the operator;

(2) The operator's name and address, and;

(3) The class, serial number and expiration date of the operator's license. Information stipulated in subparagraphs (2) and (3) of this paragraph need be entered only once in the station record at any station where the responsible operator is employed on a full time basis and an operator's license is properly posted.

(c) For stations whose antenna or antenna supporting structure must be illuminated, the licensee will record:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not provided.

(3) Any observed or otherwise known failure of a tower light by indicating:

(i) The nature of such failure.

(ii) The date and time the failure was observed or otherwise noted.

(iii) The date, time, and nature of adjustments, repairs or replacements made.

(iv) The identification of the Flight Service Station (Federal Aviation Administration) notified of the failure of any code or rotating beacon light not corrected within 30 minutes, and the date and time such notice was given.

(v) The date and time notice was given to the Flight Service Station of the Federal Aviation Administration that the required illumination was resumed.

(4) The completion of the 3-month periodic inspection required by § 90.441 of this part by indicating:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

§ 90.445 Form of station records.

(a) Station records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 90.447 Retention of station records.

Records required by this part shall be retained by the licensee for at least one year.

§ 90.449 Answers to a notice of violation.

Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act or treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 10 days from such receipt or such other period as may be specified, send a written answer to the office of the Commission originating the original notice. If an answer cannot be sent, or an acknowledgement made within such period, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of improper operation.

Subpart O—Transmitter Control

§ 90.461 Direct and remote control of transmitters.

(a) *In general.* Radio transmitters may be operated and controlled directly (as when the operating position for the transmitter and the transmitter being operated are at the same location), or remotely (as when the transmitter being operated and the position from which it is being operated are at different locations).

(b) *Control of transmitters at remote locations.* Radio transmitters at remote locations may be operated and controlled through the use of wire line or radio links; or through dial-up circuits, as provided in subparagraph (c) of this section. Such control links or circuits may be either those of the licensee or they may be provided by common carriers authorized by law to furnish such service.

(c) *Dial-up circuits.* Dial-up circuits may be provided by wire line telephone companies under appropriate tariffs, and they may be used by licensees for purposes of transmitter control, provided:

(1) The dial-up circuits serve only to link licensed transmitter control points and the transmitters being controlled; and,

(2) The dial-up circuits are so designed that the transmitters being controlled cannot be operated from any fixed position other than the licensed control points for those transmitters.

(3) Equipment used to provide the transmitter/dial-up-circuit interface is designed to preclude associated mobile units of the licensee from reaching any point(s) served by the wire line telephone facilities other than the

control point(s) of the station(s) controlled.

(4) Any direct electrical connection to the telephone network shall comply with applicable tariffs and with Part 68 of the Commission's rules (See § 90.5(h)).

(5) Dial-up, transmitter control circuits may not be employed in any system of communication which is interconnected with the public, switched, telephone network within the meaning of §§ 90.7 and 90.477 through 90.483.

§ 90.463 Transmitter control points.

(a) A control operator is required to be stationed at the operating position of a transmitter control point. A control operator is any person designated by the licensee to exercise supervision and control over the operation and use of the licensee's facilities. The control operator may be the licensee, himself; or an employee of the licensee; or the agent of the licensee, appointed by the licensee to act as the control operator; or a third-party contractor, engaged by the licensee to serve as the control operator: *Provided, however,* In no case, through appointment or designation of any person to serve as control operator, may the licensee delegate any of the duties and responsibilities the licensee may have in his capacity as licensee.

(b) Each station or licensed system of communication shall normally have a control point, or control points, at which the control operator or operators are stationed and at or from which the licensee may exercise supervision and control over the authorized facilities, as required by the provisions of § 90.461. *Provided, however,* Control point requirements may vary from one system to another, depending upon the nature of the radio operation; the way and by whom the facilities are employed; and other factors, as set out in other rule sections under this subpart.

(c) A transmitter control point may be located at a fixed position in a system of communication at or from which the control operator exercises supervision and control over the operation and use of the licensed facilities. Each fixed transmitter control point shall have equipment and facilities to permit the control operator:

(1) To determine when the transmitter or transmitters controlled are either radiating "RF" energy, or when the transmitter circuits have been placed in a condition to produce such radiation. This may be accomplished either through the use of a carrier operated device which provides a visual indication when the transmitter(s) are radiating or a pilot lamp or meter which provides a visual indication when the transmitter circuits have been placed in a condition to produce radiation. Further, where a local transmitter is used to activate a remote transmitter or transmitters in the licensee's system of communication, a single pilot lamp or meter may be employed to indicate the activation of both the local and the remote transmitter(s).

(2) To turn the carrier of the transmitter on and off at will, or to close the system down completely, when circumstances warrant such action.

(d) Where the licensee's transmitting facilities may be operated from dispatch points, the fixed control point shall have equipment to permit the control operator:

(1) To aurally monitor all transmissions originating at those dispatch points which are under the supervision of the control operator; and,

(2) To either disconnect the dispatch point circuits from the transmitter(s) or to render the transmitter(s) inoperative from any dispatch point being supervised.

(e) Where the system is interconnected with public communication facilities, as provided at §§ 90.477 through 90.483, and where those rules so require, the fixed control point shall be equipped to permit the control operator:

(1) To monitor co-channel facilities of other licensees sharing an assigned channel or channels with the licensee in the licensee's area of operation; and,

(2) To either terminate any transmissions or communication(s) between points in the public communication system and points in the private system of communication.

(f) In urban areas, the location of fixed transmitter control points will be specified, "same as transmitter," unless the control point is at a street address which is different from that of the transmitter(s) controlled. In rural areas, the location of fixed control points will be specified, "same as transmitter," unless the control point is more than 500 feet from the transmitter(s) controlled. In the latter case, the approximate location of the control point will be specified in distance and direction from the transmitter(s) controlled in terms of feet and geographical quadrant, respectively. It would be assumed that the location of a fixed control point is the same as the location of the transmitter(s) controlled, unless the applicant includes a request for a different location described in appropriate terms as indicated herein.

(g) Authority must be obtained from the Commission for the installation of additional fixed control points, and until such authority is granted, transmitters may not be controlled from such points.

(h) Mobile transmitters shall be assumed to be under the immediate control of the mobile operator; provided, however, overall supervision and control of the operation and use of a communication system may be the responsibility of a fixed control point operator. In general, mobile transmitters shall be equipped to permit the operator to determine when they are radiating "RF" energy or when the transmitter circuits have been placed in a condition to produce such radiation. This may be accomplished either through the use of a carrier operated device or of a pilot lamp or meter which will provide a visual indication when the transmitter is radiating or has been placed in a condition to produce radiation provided, however, that hand-carried or pack-carried transmitters and transmitters installed on motorcycles need not be so equipped.

§ 90.465 Control of systems of communication.

(a) Depending on design considerations, control of a system of communication may be exercised in varying ways. In SF simplex, base/mobile operations, control may be exercised by the control operator at the fixed control point. In mobile relay systems, where there is an associated control point or control station, control may be exercised by the operator at the control point or control station. In mobile-only systems, control may be exercised by the mobile operator. In communication systems involving multiple base stations or fixed relays control of the system may result from a combination of factors and considerations, including control by a fixed control point operator at some point within the system of communication or control by the mobile station operator of the licensee.

(b) In internal systems, as defined at § 90.7 control may be maintained by conforming the system to the requirements of §§ 90.471 through 90.475.

(c) In interconnected systems, as defined at § 90.7 control may be maintained by conforming operation and system design to that permitted at §§ 90.477 through 90.483.

§ 90.467 Dispatch Points.

Dispatch points meeting the requirements of this section need not be specifically authorized; provided, however, that the licensee of any radio station operated from a dispatch point or points shall assume full responsibility for the use and operation of the authorized facilities in compliance with all applicable provisions of law or rule and shall comply with the policy:

(a) A dispatch point may be linked to the transmitter(s) being operated by private or leased wire line of fixed

radio circuits, provided the requirements of § 90.463 are met.

(b) No telephone position in the public, switched, telephone network will be treated as a dispatch point within the meaning or intent of this section.

(c) Operation of transmitting facilities from dispatch points is permitted only when the control operator at a fixed control point in the system is on duty and at no other time.

§ 90.469 Unattended operation.

(a) Subject to the provisions of §§ 90.243, 90.245, and 90.247, mobile relay, fixed relay, and mobile repeater stations are authorized for unattended operation; and the transmitter control point requirements set out at §§ 90.463 through 90.465 shall not apply.

(b) Self-activated transmitters may be authorized for unattended operation where they are activated by either electrical or mechanical devices, provided the licensee adopts reasonable means to guard against malfunctions and harmful interference to other users.

§ 90.471 Points of operation in internal systems.

The transmitting facilities of the licensee may be operated from fixed positions located on premises controlled by the licensee. The fixed position may be part of a private telephone exchange or it may be any position in a closed or limited access communication facility intended to be used by employees of the licensee for internal communication purposes. Operating positions in internal systems are not synonymous with dispatch points (See § 90.467) nor with telephone positions which are part of the public, switched, telephone network; and the scheme of regulation is to be considered and treated as being different. See §§ 90.485 through 90.489.

§ 90.473 Operation of internal systems through licensed fixed control points.

An internal system may be operated under the control and supervision of a control operator stationed at a fixed control point in the system. In such case, the control point must be equipped to permit the control operator to monitor all traffic to and from fixed positions and mobile stations or paging units of the licensee; and the system must be so designed to permit the control operator to either disconnect any operating position in the internal system from the transmitter control circuit or to close the system down entirely at will.

§ 90.475 Operation of internal systems in specially equipped systems.

(a) An internal system need not be designed to meet the requirements of § 90.473. As an alternative, the licensee may meet the following requirements:

(1) All operating positions must be located on premises controlled by the licensee.

(2) Dial-up circuits (in the public, switched, telephone network) may not be employed for transmitter control; and the radio system must be so designed that it may not be accessed from telephone positions within the public, switched, telephone network.

(3) The system must be designed so that upon completion of a transmission, the base station transmitter(s) will close down automatically within 3 seconds.

(4) To guard against malfunctions, the system must also be designed so that the base station(s) will be deactivated by an automatic timing device when a modulated signal is not transmitted for a period of three (3) consecutive minutes.

(5) The system must include automatic monitoring equipment, installed at the base station transmitter site(s), which will prevent the activation of the system when signals of other co-channel stations are present.

§ 90.477 Restrictions on interconnected systems.

(a) As an interim measure, pending further decision in Docket No. 20846, interconnection of private radio systems licensed in the 806–821 MHz and 851–866 MHz bands will be permitted only in accordance with provisions of § 90.389.

(b) Interconnection of facilities in the Radiolocation Radio Service (Subpart F) is not permitted.

(c) In the bands below 800 MHz, interconnection of facilities licensed in the Special Emergency Radio Service (Subpart C), the Business and Special Industrial Radio Services (Subpart D), and the Automobile Emergency and Taxicab Radio Services (Subpart E) will be permitted only where the base station site or sites of proposed stations are located 75 miles or more from the designated centers of the following urbanized areas: Provided, this limitation shall not apply to medical emergency systems licensed in the Special Emergency Radio Service in the 450–470 MHz bands.

Urbanized area	North latitude	West longitude
New York, N.Y.-northeastern N.J	40°45'06"	73°59'39"
Los Angeles-Long Beach, Calif	34°03'15"	118°14'28"
Chicago, Ill	41°52'28"	87°38'22"
Philadelphia, Pa.-New Jersey	39°56'58"	75°09'21"
Detroit, Mich	42°19'48"	83°02'57"
San Francisco-Oakland, Calif	37°46'39"	122°24'40"
Boston, Mass	42°21'24"	71°03'25"
Washington, D.C.-Maryland-Virginia	38°53'51"	77°00'33"
Cleveland, Ohio	41°29'51"	81°41'50"
St. Louis, Mo.-Illinois	38°37'45"	90°12'22"
Pittsburgh, Pa	40°26'19"	80°00'00"
Minneapolis-St. Paul, Minn	44°58'57"	93°15'43"
Houston, Tex	29°45'26"	95°21'37"
Baltimore, Md	39°17'26"	76°36'45"
Dallas, Tex	32°47'09"	96°47'37"
Milwaukee, Wis	43°02'19"	87°54'15"
Seattle-Everett, Wash	47°36'32"	122°20'12"
Miami, Fla	25°46'37"	80°11'32"
San Diego, Calif	32°42'53"	117°09'21"
Atlanta, Ga	33°45'10"	84°23'37"
Cincinnati, Ohio-Kentucky	39°06'07"	84°30'35"
Kansas City, Mo.-Kansass	39°04'56"	94°35'20"
Buffalo, N.Y	42°52'52"	78°52'21"
Denver, Colo	39°44'58"	104°59'22"
San Jose, Calif	37°20'16"	121°53'24"

(d) Additional frequencies shall not be assigned to enable any licensee to employ any preferred method of interconnection, such as the use of two-frequency rather than single-frequency operating methods.

(e) The rules governing interconnection in this Subpart are effective for new systems on October 17, 1978. Licensees of existing systems shall bring their facilities into compliance with the provisions of this Subpart by January 1, 1984.

§ 90.479 Interconnection of radio systems with the facilities of telephone companies.

Subject to the limitations set out at § 90.477 authorized stations may be interconnected with facilities of common carriers, subject to applicable tariffs. Such arrangements must be made by the licensee or the user of the radio facility directly with the common carrier in accordance with applicable tariffs.

§ 90.481 Permissible methods of interconnecting private and public systems of communications.

Subject to the requirements of § 90.483, interconnection may be accomplished either manually; by a control operator stationed at a fixed control point; or automatically, under supervision of a control operator stationed at a fixed control point; or automatically, not under supervision of a control operator at a fixed control point. *Provided, however,* That shared, common, or multiple-licensed radio systems, where the facilities are provided by third parties, may not be interconnected under these rules at the location of the shared or common radio facility or at any other common location. However, interconnection may be accomplished at common locations where systems are not shared, or where systems are shared by eligibles under a cooperative, cost-sharing, nonprofit arrangement, with the costs prorated on an equitable basis among the users, and where third party in-

volvement is limited to the sale or lease of the equipment and to incidental maintenance. Interconnection at a common location under these rules is not permitted for such popular sharing arrangements where third parties are involved as the so-called community repeater arrangements. *Provided further*, That any direct electrical connection to the telephone network shall comply with applicable tariffs and with Part 68 of the Commission's Rules. (See § 90.5.)

§ 90.483 Special requirements pertaining to the methods of interconnection.

(a) Where the system is interconnected manually, all transmissions, regardless of their point of origin, must be:

(1) Directed to, and received and processed by a control operator stationed at a fixed control point in the licensee's system of communication;

(2) Manually patched by the control point operator using some form of manual switching device or circuitry; and

(3) Monitored by the control operator to assure that the transmission is permissible and that the system is used for purposes and in ways consistent with the service in which the licensee's system of communication is authorized.

(b) Where the system is interconnected automatically, but under supervision by the licensee's control operator, the following conditions must be met:

(1) The control operator must be stationed at a fixed control point in the licensee's system of communication.

(2) All transmissions, regardless of their point of origin, must be monitored by the control operator to assure that the licensed system is being used in permissible ways; for permissible purposes; by persons having a need to communicate on the business of the licensee or in carrying out functions or activities of the licensee.

(3) The system must include automatic monitoring equipment, installed at the base station transmitter site(s), which will prevent the activation of the system when signals of other co-channel stations are present.

(c) Where the system is interconnected automatically, but is not under supervision by the licensee's control operator, as in subparagraph (b), above, the following conditions must be met:

(1) The system shall include automatic monitoring equipment, installed at the base station transmitter site(s), which will prevent the activation of the system when signals of other co-channel stations are present.

(2) The system shall be so designed that initial access to it from points within the public, switched telephone network will result solely in the transmission of an alerting signal. The alerting signal shall not exceed three (3) seconds in duration after which the base station transmitter(s) shall close down. Further transmissions of signals over the licensee's system shall not take place until it is activated by an acknowledgment signal from a mobile station of the licensee.

(3) The operator of the mobile station must have the ability to control the system in accordance with the following criteria:

(i) In two-frequency systems, the mobile operator must have the ability to terminate communications from points within the public, switched, telephone network at will; and the mobile equipment must be designed to permit this.

(ii) In single-frequency systems, equipment shall be installed at the base station(s) which will limit any single transmission from within the public, switched, telephone network to 30 seconds and which, in turn, will activate the base station receiver(s) which will monitor the operating frequency for a period of not less than 3 seconds. The mobile station shall be so equipped to permit the mobile operator to terminate communications during the three (3) second monitoring period, if such termination is necessary.

(4) A timer shall be installed at the base station transmitter(s) which will limit communications to three (3) minutes. After the three (3) minutes, the system shall close down, with all circuits between the base station and the public, switched, telephone network disconnected.

PAGING OPERATIONS

§ 90.485 One-way paging operations in the 806–821 MHz and 851–866 MHz bands.

Except as provided at § 90.385(c) of the rules, systems of communication licensed in the 806–821 MHz and 851–866 MHz bands may not be employed for either tone only or tone and voice paging operations.

§ 90.487 One-way paging operations in the bands below 512 MHz.

(a) Subject to specific prohibition or restriction by rule provisions governing the radio service in which a licensee's radio system is authorized, tone only and tone and voice paging operations are permitted:

(1) Where the signals and messages are transmitted by a control operator of the licensee stationed at a licensed control point in the licensee's system of communication.

(2) Where the signals and messages are transmitted from an operating position within an internal system of communication which meets the tests of §§ 90.471 through 90.475.

(3) Where the signals and messages are transmitted from a dispatch point within the licensee's system of communication, as defined at § 90.7.

(b) Systems employing dial-up circuits (§ 90.461(c)) may be used in one-way paging operations, but only where the paging signals are transmitted as provided at subparagraph (a)(1) of this section.

(c) Paging signals, as such, may not be transmitted from telephone positions in the public, switched, telephone network, notwithstanding the fact that the radio system employed may be interconnected with the public telephone network and meet the conditions set out at §§ 90.477–90.483: *Provided, however*, Signaling employed to initiate or maintain communications in an interconnected system or to alert a mobile unit that it is being called or for any like purpose, except for one-way paging signalling as such, are permissible and are not excluded by the provision of this section.

Subpart P—Chicago Land Mobile Spectrum Management

§ 90.491 Scope.

This subpart sets forth special provisions for the filing of applications for authority to operate new or modified radio facilities in the Chicago region and the Chicago land mobile spectrum management district.

§ 90.493 Chicago region.

The Chicago Region is defined to consist of the counties listed below:

ILLINOIS

1. Boone.
2. Bureau.
3. Carroll.
4. Champaign.
5. Christian.
6. Clark.
7. Coles.
8. Cook.
9. Cumberland.
10. De Kalb.
11. De Witt.
12. Douglas.
13. Du Page.
14. Edgar.
15. Ford.
16. Fulton.
17. Grundy.
18. Henry.
19. Iroquois.
20. Jo Daviess.
21. Kane.
22. Kankakee.
23. Kendall.
24. Knox.
25. Lake.
26. La Salle.
27. Lee.
28. Livingston.
29. Logan.
30. Macon.
31. Marshall.
32. Mason.

33. McHenry.
34. McLean.
35. Menard.
36. Mercer.
37. Moultrie.
38. Ogle.
39. Peoria.
40. Platt.
41. Putnam.
42. Rock Island.
43. Sangamon.
44. Shelby.
45. Stark.
46. Stephenson.
47. Tazewell.
48. Vermilion.
49. Warren.
50. Whiteside.
51. Will.
52. Winnebago.
53. Woodford.

INDIANA

1. Adams.
2. Allen.
3. Benton.
4. Blackford.
5. Boone.
6. Carroll.
7. Cass.
8. Clay.
9. Clinton.
10. De Kalb.
11. Delaware.
12. Elkhart.
13. Fountain.
14. Fulton.
15. Grant.
16. Hamilton.
17. Hancock.
18. Hendricks.
19. Henry.
20. Howard.
21. Huntington.
22. Jasper.
23. Jay.
24. Kosciusko.
25. Lake.
26. Lagrange.
27. La Porte.
28. Madison.
29. Marion.
30. Marshall.
31. Miami.
32. Montgomery.
33. Morgan.
34. Newton.
35. Noble.
36. Owen.
37. Parke.
38. Porter.
39. Pulaski.
40. Putnam.
41. Randolph.
42. St. Joseph.
43. Starke.
44. Steuben.
45. Tippecanoe.
46. Tipton.
47. Vermillion.
48. Vigo.
49. Wabash.
50. Warren.
51. Wells.
52. White.
53. Whitley.

IOWA

1. Cedar.
2. Clinton.
3. Dubuque.
4. Jackson.
5. Jones.
6. Muscatine.
7. Scott.

MICHIGAN

1. Allegan.
2. Barry.
3. Berrien.
4. Branch.
5. Calhoun.
6. Cass.
7. Clinton.
8. Eaton.
9. Hillsdale.
10. Ingham.
11. Ionia.
12. Jackson.
13. Kalamazoo.
14. Kent.
15. Lake.
16. Mason.
17. Mecosta.
18. Montcalm.
19. Muskegon.
20. Newaygo.
21. Oceana.
22. Ottawa.
23. St. Joseph.
24. Van Buren.

OHIO

1. Defiance.
2. Mercer.
3. Paulding.
4. Van Wert.
5. Williams.

WISCONSIN

1. Adams.
2. Brown.
3. Calumet.
4. Columbia.
5. Dane.
6. Dodge.
7. Door.
8. Fond du Lac.
9. Grant.
10. Green.
11. Green Lake.
12. Iowa.
13. Jefferson.
14. Juneau.
15. Kenosha.
16. Kewaunee.
17. Lafayette.
18. Manitowoc.
19. Marquette.
20. Milwaukee.
21. Outagamie.
22. Ozaukee.
23. Racine.
24. Richland.
25. Rock.
26. Sauk.
27. Sheboygan.
28. Walworth.
29. Washington.
30. Waukesha.
31. Waupaca.
32. Waushara.
33. Winnebago.

§ 90.495 Applications.

Applicants for new base, mobile, or fixed stations on frequencies below 950 MHz (excluding applications in the Radiolocation Service) and located in the Chicago Region, as defined in § 90.493, and licensees proposing to modify renew, or assign existing authorizations for such stations located in the Chicago Region shall submit Form 425.

§ 90.493 Special Provisions Relating to frequency assignments in the Chicago region.

(a) The table below reflects the basic frequency assignment methodology for use in the Chicago Region. Category I consists of the Police and Fire Radio Services and their present frequencies, Category II consists of other radio services and their frequencies:

CATEGORY I

Police Radio Service
Fire Radio Service

CATEGORY II

GROUP A

Forestry-Conservation Radio Service
Highway Maintenance Radio Service
Local Government Radio Service
Special Emergency Radio Service

GROUP B

Power Radio Service
Telephone Maintenance Radio Service
Railroad Radio Service

GROUP C

Petroleum Radio Service
Forest Products Radio Service
Manufacturers Radio Service
Relay Press Radio Service
Motion Picture Radio Service
Automobile Emergency Radio Service
Business Radio Service
Taxicab Radio Service
Motor Carrier Radio Service
Special Industrial Radio Service

(b) Frequencies in Category I are available only to those who establish eligibility in that Category. Frequencies in Category II are available to all persons who establish eligibility in Category II; and are also available to Category I eligibles on a secondary basis.

(c) To the extent practicable, frequencies from the service within which an applicant has established eligibility will be assigned to that applicant. If no suitable frequency is available, then a search will be made of frequencies of other services in the same group as the applicant. Access to the frequencies of a different group will be permitted only on a case-by-case basis and only when no suitable frequency is available in the group in which eligibility is established.

(d) Where services which presently share frequencies are in different categories or groups, the shared frequencies will only be available to the lower priority category or group; except for the eleven low band frequencies shared by police and local government which go to Category I. Licensees who presently operate on these frequencies may continue to do so even though

the frequencies do not appear in their eligibility pool.

(e) The eligibility, permissible communications, points of communications, technical requirements and assignment limitations reflected in the various subparts of this part will also govern in the Chicago Region. Station limitations for the service in which licensee eligibility is established will govern the use of a station even though the frequency assigned may not be from the service in which eligibility was established; except in the case of mobile relay stations which will only be permitted on frequencies previously available for mobile relay use.

(f) Frequency coordination procedures of Section 90.175 are required in the Chicago region after August 31, 1977.

NOTE.—The above frequency assignment methodology for inter-service sharing will not be implemented until further notice by the Commission.

Subpart Q—Developmental Operation

§ 90.501 Scope.

This subpart contains the procedures and requirements for the filing of applications for developmental licenses. It includes special requirements related to developmental operation, restrictions on operations, and special reports required when the development operation is to seek operational data or techniques directed toward the extension of that service.

§ 90.503 Eligibility.

Those persons who are eligible to operate stations in services under this part on a regular basis are also eligible to obtain an authorization for developmental operation in those particular radio services.

§ 90.505 Showing required.

(a) Except as provided in paragraph (b) of this section, each application for developmental operation shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) The actual transmission by radio is essential to proceed beyond the present stage of the program;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the radio art, or is investigating new unexplored concepts in radio transmission and communications;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities to conduct the proposed program; and

(6) The public interest, convenience, and necessity will be served by the proposed operation.

(b) The provisions of paragraph (a) of this section do not apply when an application is made for developmental operation solely for the reason that the frequency requested is restricted to such developmental use.

§ 90.507 Limitations on use.

Stations used for developmental operation shall conform to all technical and operating requirements of Subparts I and N of this part, unless specifically exempted in the instrument of authorization.

§ 90.509 Frequencies available for assignment.

Stations engaged in developmental operation may be authorized to use a frequency or frequencies available in the service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program and the number of frequencies available in the particular geographical area where the station is to operate.

§ 90.511 Interference.

The operation of any station engaged in developmental work shall not cause harmful interference to the operation of stations regularly licensed under any part of the Commission's rules.

§ 90.513 Special provisions.

(a) The developmental program as described by the application for authorization shall be followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules in this chapter and the rules in this part, the Commission may specify additional requirements or conditions as deemed necessary in the public interest, convenience, or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 90.515 Change or cancellation of authorization without hearing.

Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 90.517 Report of operation.

A report on the results of a developmental program shall be filed with and made a part of each application for renewal of authorization. In cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on:

(a) The final objective.

(b) Results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) Need for continuation of the program.

(f) Number of hours of operation on each frequency.

This report is not required if the sole reason for the developmental authorization is that the frequency of operation is restricted to developmental use only.

Subpart R—Emergency Communications Pursuant to the Industrial Communications Emergency Plan (ICEP) and the Land Transportation Industries Communications Emergency Plan (LATICEP)

§ 90.525 Industrial Communications Emergency Plan (ICEP).

(a) *Scope and objectives.* This section contains the rules and regulations providing for emergency operations for all Industrial Radio Service Licensees of the Federal Communications Commission, and an Industrial Communications Emergency Plan (ICEP) prepared pursuant to and by the authority of Sections 1, 4(i), 301, 303, 307, 308, 309, 312, 316, 318, 319, and 606 of the Communications Act of 1934 as amended, and Executive Order 11490, as amended. The objective of this subpart is to provide for the development of detailed communications plans containing the designation of facilities, mutually compatible operational arrangements, procedures, and interconnecting facilities, for the continued operation of industrial radio stations on a voluntary, organized basis during times of war, grave national crisis, or other National, State, or Operational (Local) emergency situations.

(b) *Industrial communications emergency plan (ICEP) defined.* The Industrial Communications Emergency Plan (ICEP) is a plan containing

procedures for the development of detailed communications plans of Industrial Radio Service licensees based on essential communications requirements of industry, including communications with interested Government Agencies during emergencies on a National, State, or Operational (Local) Area level.

(c) *Emergency situation.* An emergency situation is a situation posing a threat to the safety of life and/or property on a National, State, or Operational (Local) level.

(d) *Activation and termination.* In an emergency situation communications elements of the ICEP may be activated and terminated by competent authorities as defined in the Detailed Operational ICEPs.

(e) *National, State, and local emergency operation.* Detailed data, information, and instructions for emergency operation of mutually compatible facilities, systems, and arrangements will be set forth in the Detailed Operational ICEPs which are considered a supplement to the ICEP.

(f) *Participation of General Mobile Radio Service licensees.* Industrial entities may utilize their General Mobile Radio Service Class A facilities, licensed to them under Section 95.41(a) of the Commission's Rules, in the operation of their own Detailed Operational Industrial Communications Emergency Plans as developed in accordance with the procedures established in this subpart.

(g) *Emergency Communications Authorization (ECA).* (1) A radio station licensee in any industry covered by the Industrial Communications Emergency Plan (ICEP) may be granted an Emergency Communications Authorization (ECA) by the Federal Communications Commission. Each ECA shall remain in effect concurrently with the terms of the approved Detailed Operational Industrial Communications Emergency Plans provided:

(2) The licensee functioning within the terms of the ECA has demonstrated his willingness to cooperate with others by agreeing to provide service or interconnection as part of a communication emergency plan.

(3) The licensee is included in an FCC approved intra-company plan to utilize its radio facilities as emergency backup for other communications services used by the licensee.

(4) An ECA will be issued to each industrial entity for each communications system plan approved by the Commission.

(5) Any industrial radio service participating in the ICEP may withdraw from participation by giving thirty (30) days written notice and by submitting his Emergency Communications Authorization (ECA) to the Federal Communications Commission for cancellation.

(h) *Tests of approved interconnecting systems and facilities.* After detailed emergency communication systems plans are completed, or segments of the system are completed, system operational tests may be necessary. When deemed necessary, these tests shall be conducted as specified in the approved operational plans. Results of these tests shall be furnished to the FCC Engineer in Charge (EIC), the Chief, Emergency Communications Division of the FCC, and to others concerned. These tests would be used as training exercises for personnel at all levels.

§ 90.527 Land Transportation Industries Communications Emergency Plan (LATICEP).

(a) *Scope and objective.* This section applies to those stations licensed under this part and operating in a system for which a National Defense Emergency Authorization has been issued. The section provides for operation of stations within the United States during a grave national crisis or war. The objective is to provide for flexible operation of communications equipment during such an emergency to fulfill emergency communication requirements and needs.

(b) *Definition of terms.* (1) National Defense Emergency Authorization (NDEA). A National Defense Emergency Authorization is an authorization issued by the Federal Communications Commission to the licensees of land transportation stations, subject to the provisions of this part, for operation in accordance with the Interim Basic Land Transportation Industries Communications Emergency Plan (LATICEP) including the annexes and supplements to that plan.

(2) *Emergency action notification.* The Emergency Action Notification is the notice (with or without an Attack Warning) to all licensees and regulated services of the Federal Communications Commission and to the general public of the existence of an Emergency Action Condition. The Emergency Action Notification is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

(3) *Emergency action condition.* The Emergency Action Condition is the period of time between the transmission of an Emergency Action Notification and the transmission of the Emergency Action Condition Termination.

(4) *Emergency action notification system.* The Emergency Action Notification System is the system by which all licensees and regulated services of the Federal Communications Commission, and the general public, are notified (with or without an Attack Warning) of the existence of an Emergency Action Condition resulting from a grave national crisis or war. The Emergency Action Notification System consists only of the following approved facilities, systems, and arrangements:

(i) *First method.* From the President of the United States via the White House Communications Agency to the Associated Press (AP) and United Press International (UPI); thence via automatic selective switching and teletype Emergency Action Notification to all standard, FM, and television broadcast and other stations (including Land Transportation stations) subscribing to the AP and UPI Radio Wire Teletype Networks.

(ii) *Second method.* From the President of the United States via the White House Communications Agency to specified control points of the nationwide commercial Radio and Television Broadcast Networks, the American Telephone and Telegraph Co. and other specified points via a dedicated teletypewriter network; thence to all affiliates via any available commercial Radio and Television internal network alerting facilities.

(iii) *Third method.* Off-the-air monitoring of a standard, FM, or television broadcast station by other standard, FM, and television broadcast stations and FCC licensees (including Land transportation licensees) for receipt of the Emergency Action Notification. All broadcast station licensees are required to install, maintain, and operate radio receiving equipment for receipt of the Emergency Action Notification at this level.

(iv) *Fourth method.* Off-the-air monitoring of standard, FM, and TV broadcast stations by the general public who are listening or viewing or whose receivers can be activated by standardized selectiye signaling transmitted by said stations.

(5) *Emergency action condition termination.* The Emergency Action Condition Termination is the notice to all licensees and regulated services of the Federal Communications Commission and to the general public of the termination of an Emergency Action Condition. The Emergency Action Condition Termination is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

(c) *Emergency operation.* A National Defense Emergency Authorization will be issued on a system basis by the Commission to those licensees who are engaged in essential activities for which an approved National Industry Advisory Committee Emergency Plan has been adopted, provided, the licensee has submitted to the Commission a certification of willingness to participate in and conform to the emergency

communications plan applicable to his stations licensed under this part for which coverage is desired, has certified thereon a willingness to interconnect facilities where necessary with those of similar licensees and to cooperate with such licensees in providing emergency communications. Once issued, a National Defense Emergency Authorization is effective for each station in the system concurrently with the regular license for that station. A National Defense Emergency Authorization may be terminated by the Commission upon a finding that, for any reason, the facilities are no longer capable of providing effective emergency communications in accordance with the National Industry Advisory Committee Emergency Plan concerned.

(2) Over and above the permissive provisions of all applicable rules and notwithstanding any provisions of this chapter or license restrictions to the contrary, systems covered by a National Defense Emergency Authorization and operated by licensees participating in the Land Transportation Industries Communications Emergency Plan (LATICEP) are authorized to operate in accordance with the provisions of this paragraph under the emergency conditions and for the periods of time specified above:

(i) To share facilities with, or interconnect with, any other communications facilities necessary to accomplish transportation industry's communications requirements where such sharing and/or interconnection is mutually acceptable.

(ii) To use mobile frequencies to provide point-to-point services and to effect tie-ins between established fixed services.

(iii) To use any type of modulation, including multiplex, so long as the occupied bandwidth does not exceed that normally authorized on the frequency involved, and to use any operating power not exceeding the maximum specified under Part 93, subject to mutual resolution of any resulting interference.

(iv) To test periodically any facility established for emergency use under this section.

§ 90.555 Combined frequency listing.

(a) The following table lists for ready reference all frequencies assignable under this part. The letter symbols following each frequency refer to radio services where the frequency is assignable as follows:

INDUSTRIAL SERVICES

IB—Business.
IF—Forest products.
IM—Motion picture.
IP—Petroleum.
IR—Radiolocation.
IS—Special industrial.
IT—Telephone maintenance.
IW—Power.
IX—Manufacturers.
IY—Relay press.

LAND TRANSPORTATION SERVICES

LA—Automobile emergency.
*LI—Interurban passenger.
*LJ—Interurban property.
LR—Railroad.
*LU—Urban passenger.
*LV—Urban property.
LX—Taxicab.

PUBLIC SAFETY SERVICES

PF—Fire.
PH—Highway maintenance.
PL—Local government.
PO—Forestry-conservation.
PP—Police.
PS—Special emergency.

(b) Combined frequency list:

Frequency	Services	Special limitations
Kilohertz		
70-90	IR	Radiolocation.
90-110	IR	Do.
110-130	IR	Do.
530	PL	Travelers' information stations.
1610	PL	Do.
1605-1715	IR	Do.
1610	PP	
1614	IP	Geophysical.
1618	PP	
1626	PP	
1628	IM, IP	Do.
1630	PP	
1634	PP	
1642	PP	
1650	PP	
1652	IM, IP	Do.
1658	PP	
1666	PP	
1674	PP	
1676	IP, IF	Do.
1682	PP	
1690	PP	
1698	PP	
1700	IP, IF	Do.
1706	PP	
1714	PP	
1715-1750	IR	Radiolocation.
1722	PP	
1730	PP	
1750-1800	IR	Do.
2000-3000	PS	Communication with public coast.
2212	PO	
2226	PO	
2236	PO	
2244	PO	
2292	IW, IP, IM, IS	
2326	PP	
2366	PP	
2382	PP	
2390	PP	
2398	IW, IP, IF, IM, IS	
2406	PP	
2414	PP	
2422	PP	
2430	PP	
2442	PP	
2450	PP	
2458	PP	
2466	PP	
2474	PP	
2482	PP	
2490	PP	
2505-3500	PS	State guard.
2726	PS	Do.
2804	PP	Zone, interzone.
2808	PP	Do.
2812	PP	Do.
3201	PS	
3230-3400	IR	Radiolocation.
4383.8	(*)	Alaska emergency frequency.
4637.5	IW, IP, IM, IS	
5135	PP	Zone, interzone.
5140	PP	Do.
5195	PP	Do.
7480	PP	Do.
7805	PP	Do.
7935	PP	Do.
Megahertz		
25.02	IP	Geophysical.
25.04	IP	Oil spill.
25.06	IP	Geophysical.
25.08	IP	Oil spill.
25.10	IP	Geophysical.
25.12	IP	
25.14	IP	
25.16	IP	
25.18	IP	
25.20	IP	
25.22	IP	
25.24	IP	
25.26	IP	
25.28	IP	
25.30	IP	
25.32	IP	
27.43	IB	
27.45	IB	
27.49	IB	Itinerant.
27.51	IB	Low power (2 W).
27.53	IB	Do.
29.71	IF	
29.73	IF	
29.75	IF	
29.77	IF	
29.79	IF	
30.565		Developmental.
Megahertz		
30.58	IS	
30.62	IS	
30.64	IS	
30.66	IP, LM	
30.68	IF	
30.70	IP	
30.72	IF	
30.74	IP, LM	
30.76	IB	
30.78	IP	
30.80	IB	
30.82	IP, LM	
30.84	IB	Low power (2W).
30.86	PO, LM	
30.88	IB	
30.90	PO, LM	
30.92	IB	
30.94	PO, LM	
30.96	IB	
30.98	PO, LM	
31.00	IB	
31.02	PO, LM	
31.04	IB	
31.06	PO, LM	
31.08	LM	
31.10	PO, LM	
31.12	LM	
31.14	PO, LM	
31.16	IB	
31.18	PO	State use.
31.20	IB	
31.22	PO	Do.
31.24	IB	
31.26	PO	Do.
31.28	IS	
31.30	PO	Do.
31.32	IS	
31.34	PO	Do.
31.36	IS	
31.38	PO	Do.
31.40	IS	
31.42	PO	Do.
31.44	IS	
31.46	PO	Do.
31.48	IS	
31.50	PO	Do.
31.52	IS	

*Identified collectively in the combined frequency list as "LM."

Frequency	Services	Special limitations
31.54	PO	Do.
31.56	IS	
31.58	PO	Do.
31.60	IS	
31.62	PO	Do.
31.64	IS	Do.
31.66	PO	Do.
31.68	IS	
31.70	PO	Do.
31.72	IS	
31.74	PO	Do.
31.76	IS	
31.78	PO	Do.
31.80	IS	
31.82	PO	Do.
31.84	IS	
31.86	PO	Do.
31.88	IS	
31.90	PO	Do.
31.92	IS	
31.94	PO	Do.
31.96	IS	
31.98	PO	Do.
31.99–32.0	PL, PP, PF, PH, PO, PS.	Developmental.
33.0–33.1	PL, PP, PF, PH, PO, PS.	Do.
33.02	PH, PS	
33.04	PS	
33.06	PH, PS	
33.08	PS	
33.10	PH, PS	
33.12	IS	Low power (2 W).
33.14	IB	Do.
33.16	IB	Maximum power (100 W).
33.18	IP	
33.20	IP	
33.22	IP	
33.24	IP	
33.26	IP	
33.28	IP	
33.30	IP	
33.32	IP	
33.34	IP	
33.36	IP	
33.38	IP	
33.40	IB	Low power (½ W).
33.42	PF	Low power (10 W).
33.44	PF	
Megahertz		
33.46	PF	Mobile only.
33.48	PP	
33.50	PF	Do.
33.52	PP	
33.54	PF	Do.
33.56	PF	
33.58	PF	Do.
33.60	PP	
33.62	PF	Do.
33.64	PF	
33.66	PF	Do.
33.68	PP	
33.70	PF	
33.72	PP	
33.74	PF	
33.76	PF	
33.78	PP	
33.80	PF	
33.82	PF	
33.84	PP	
33.86	PF	
33.88	PF	
33.90	PF	
33.92	PF	
33.94	PF	
33.96	PF	
33.98	PF	
33.99–34.0		
35.0–35.01	PL, PP, PF, PH, PO, PS.	
		Developmental.
		Do.
35.02	IB	Low power (2W).
35.04	IB	Itinerant.
35.06	IB	Maximum power (110 W).
35.08	IB	Do.
35.10	IB	Do.
35.12	IB	Do.
35.14	IB	Do.
35.16	IT	Wireline common carrier.
35.18	IB	Maximum power (110 W).
35.28	IS	
35.32	IS	
35.36	IS	
35.40	IS	
35.44	IS	
35.48	IS	
35.52	IS	
35.64	PS	Paging only.
35.68	PS	Do.
35.70	IB	
35.72	IB	
35.74	IS	
35.76	IS	
35.78	IS	
35.80	IS	
35.82	IS	
35.84	IS	
35.86	IS	
35.88	IB	Maximum power (110 W).
35.90	IB	Do.
35.92	IB	Do.
35.94	IB	
35.96	IB	
35.98	IB	
35.99–36.0		Developmental.
37.0–37.01		Do.
37.02	PP	Mobile only.
37.04	PP	
37.06	PP	
37.08	PP	
37.10	PL, PP	
37.12	PP	
37.14	PP	
37.16	PP	
37.18	PL, PP	
37.20	PP	
37.22	PP	
37.24	PP	
37.26	PL, PP	
37.28	PP	
37.30	PP	
37.32	PP	
37.34	PP	
37.36	PP	
37.38	PP	
37.40	PP	
37.42	PP	
37.44	IF	
37.46	IW	
37.48	IW	
37.50	IW	
37.52	IW	
37.54	IW	
37.56	IW	
37.58	IW	
37.60	IW	Interconnected utility systems.
37.62	IW	
37.64	IW	
37.66	IW	
37.68	IW	
Megahertz		
37.70	IW	
37.72	IW	
37.74	IW	
37.76	IW	
37.78	IW	
37.80	IW	
37.82	IW	
37.84	IW	Do.
37.86	IW	
37.88	IF	
37.90	PH, PS	
37.92	PH	
37.94	PH, PS	
37.96	PH	
37.98	PH, PS	
37.99–38.0	PL, PP, PF, PH, PO, PS.	Developmental.
39.0–39.01	PL, PP, PF, PH, PO, PS.	Do.
39.02	PP	
39.04	PP	
39.06	PL, PP	Low power (2 W).
39.08	PP	
39.10	PL, PP	
39.12	PP	
39.14	PP	
39.16	PP	
39.18	PL, PP	
39.20	PP	
39.22	PP	
39.24	PP	
39.26	PP	Mobile only.
39.28	PP	
39.30	PP	Do.
30.32	PP	
39.34	PP	Do.
39.36	PP	
39.38	PP	Do.
39.40	PP	
39.42	PP	
39.44	PP	
39.46	PP	
39.48	PP	Intersystems operation.
39.50	PL, PP	
39.52	PP	
39.54	PP	
39.56	PP	
39.58	PL, PP	
39.60	PP	
39.62	PP	
39.64	PP	
39.66	PP	Mobile only.
39.68	PP	
39.70	PP	Do.
39.72	PP	
39.74	PP	Do.
39.76	PP	
39.78	PP	Mobile.
39.80	PP	
39.82	PL, PP	
39.84	PP	
39.86	PP	
39.88	PP	
39.90	PL, PP	
39.92	PP	
39.94	PP	
39.96	PP	
39.98	PL, PP	
39.99–40.0	PL, PP, PF, PH, PO, PS.	Developmental.
42.0–42.01	PL, PP, PF, PH, PO, PS.	Do.
42.02	PP	State police.
42.04	PP	Do.
42.06	PP	Do.
42.08	PP	Do.
42.10	PP	Do.
42.12	PP	Do.
42.14	PP	Do.
42.16	PP	Do.
42.18	PP	Do.
42.20	PP	State police (mobile).
42.22	PP	Do.
42.24	PP	Do.
42.26	PP	Do.
42.28	PP	Do.
42.30	PP	Do.
42.32	PP	Do.
42.34	PP	Do.
42.36	PP	State police.
42.38	PP	Do.
42.40	PP	Do.
42.42	PP	Do.
42.44	PP	Do.
42.46	PP	Do.
42.48	PP	Do.
42.50	PP	Do.

Frequency	Services	Special limitations
42.52	PP	Do.
42.54	PP	Do.
42.56	PP	Do.
42.58	PP	Do.
42.60	PP	Do.
42.62	PP	Do.
Megahertz		
42.64	PP	Do.
42.66	PP	State police (mobile).
42.68	PP	Do.
42.70	PP	Do.
42.72	PP	Do.
42.74	PP	Do.
42.76	PP	Do.
42.78	PP	Do.
42.80	PP	State police.
42.82	PP	Do.
42.84	PP	Do.
42.86	PP	Do.
42.88	PP	Do.
42.90	PP	Do.
42.92	PP	Do.
42.94	PP	Do.
42.96	IB	Maximum power (100 W).
42.98	IB	Low power (2 W).
43.00	IB	Maximum power (110 W).
43.02	IS	
43.04	IS	Itinerant.
43.06	IS	
43.08	IS	
43.10	IS	
43.12	IS	
43.14	IS	
43.16	IT	
43.18	IS	
43.28	IS	
43.32	IS	
43.36	IS	
43.40	IS	
43.44	IS	
43.48	IS	
43.52	IS	
43.64	PS	1-way paging.
43.68	PS	Do.
43.70	LM	Operation between urban areas.
43.72	LM	Do.
43.74	LM	Do.
43.76	LM	Do.
43.78	LM	Do.
43.80	LM	Do.
43.82	LM	Do.
43.84	LM	Do.
43.86	LM	Do.
43.88	LM	Do.
43.90	LM	Do.
43.92	LM	Do.
43.94	LM	Do.
43.96	LM	Do.
43.98	LM	Do.
44.00	LM	Do.
44.02	LM	Do.
44.04	LM	For operation between urban areas.
44.06	LM	Do.
44.08	LM	Do.
44.10	LM	Do.
44.12	LM	Do.
44.14	LM	Do.
44.16	LM	Do.
44.18	LM	Do.
44.20	LM	Do.
44.24	LM	Do.
44.26	LM	Do.
44.28	LM	Do.
44.30	LM	Do.
44.32	LM	Do.
44.34	LM	Do.
44.36	LM	Do.
44.38	LM	Do.
44.40	LM	Do.
44.42	LM	Do.
44.44	LM	Do.
44.46	LM	Operation within an urban area.
44.48	LM	Do.
44.50	LM	Do.
44.52	LM	Do.
44.54	LM	Do.
44.56	LM	Do.
44.58	LM	Do.
44.60	LM	Do.
44.62	PP	State police.
44.64	PO	
44.66	PP	Do.
44.68	PO	
44.70	PP	Do.
44.72	PO	
44.74	PP	Do.
44.76	PO	
44.78	PP	State police (mobile only).
44.80	PO	Do.
44.82	PP	Do.
44.84	PO	
44.86	PP	Do.
44.88	PO	
44.90	PP	Do.
44.92	PO	
Megahertz		
44.94	PP	State police.
44.96	PO	
44.98	PP	Do.
45.00	PO	
45.02	PP	Do.
45.04	PO	
44.46	PP	Do.
45.08	PL	
45.10	PP	
45.12	PL	
45.14	PP	
45.16	PL	
45.18	PP	
45.20	PL	
45.22	PP	
45.24	PL	
45.26	PP	Mobile.
45.28	PL	
45.30	PP	Do.
45.32	PL	
45.34	PP	Do.
45.36	PL	
45.38	PP	Do.
45.40	PL	
45.42	PP	
45.44	PL	
45.46	PP	
45.48	PL	
45.50	PP	
45.52	PL	
45.54	PP	
45.56	PL	
45.58	PP	
45.60	PL	
45.62	PP	
45.64	PL	
45.66	PP	
45.68	PH	
45.70	PP	
45.72	PP	
54.74	PP	Do.
45.76	PH	
45.78	PP	Do.
45.80	PH	
45.82	PP	Do.
45.84	PH	
45.86	PP	Intersystem operation.
45.88	PF	Do.
45.90	PP	
45.92	PS	
45.94	PP	
45.96	PS	
45.98	PP	
46.00	PS	
46.02	PP	
46.04	PS	
46.06	PF	
46.08	PP	
46.10	PF	
46.12	PF	
46.14	PF	
46.16	PF	
46.18	PP	
46.20	PF	
46.22	PF	Mobile.
46.24	PF	Do.
46.26	PF	Do.
46.28	PF	Do.
46.30	PP	Maximum power 10 W.
46.32	PF	Mobile.
46.34	PF	Do.
46.36	PF	
46.38	PF	
46.40	PF	
46.42	PF	
46.44	PF	
46.46	PF	
46.48	PF	
46.50	PF	
46.52	PL	
46.54	PL	
46.56	PL	
46.58	P	
47.02	PH	State use.
47.04	PH	Do.
47.06	PH	Do.
47.08	PH	Do.
47.10	PH	Do.
47.12	PH	Do.
47.14	PH	Do.
47.16	PH	Do.
47.18	PH	Do.
47.20	PH	Do.
47.12	PH	Do.
47.14	PH	Do.
47.16	PH	Do.
47.18	PH	Do.
47.20	PH	Do.
47.22	PH	Do.
47.24	PH	Do.
47.26	PH	Do.
47.28	PH	Do.
47.30	PH	Do.
47.32	PH	Do.
47.34	PH	Do.
Megahertz		
47.36	PH	Do.
47.38	PH	Do.
47.40	PH	Do.
47.42	PS	Disaster relief.
47.44	IS	
47.46	PS	
47.48	IS	
47.50	PS	
47.52	IS	
47.54	PS	
47.56	IS	
47.58	PS	
47.60	IS	
47.62	PS	
47.64	IS	
47.66	PS	
47.68	IS	
47.70	IW	
47.72	IW	
47.74	IW	
47.76	IW	
47.78	IW	
47.80	IW	
47.82	IW	
47.84	IW	
47.86	IW	
47.88	IW	
47.90	IW	
47.92	IW	
47.94	IW	
47.96	IW	
47.98	IW	
48.00	IW	
48.02	IW	
48.04	IW	
48.06	IW	
48.08	IW	
48.10	IW	
48.12	IW	
48.14	IW	
48.16	IW	
48.18	IW	
48.20	IW	
48.22	IW	
48.24	IW	
48.26	IW	
48.28	IW	
48.30	IW	
48.32	IW	
48.34	IW	
48.36	IW	
48.38	IW	
48.40	IW	

Frequency	Services	Special limitations
48.42	IW	
48.44	IW	
48.46	IW	
48.48	IW	
48.50	IW	
48.52	IW	
48.54	IW	
48.56	IP, IF	
48.58	IP, IF	
48.60	IP, IF	
48.62	IP, IF	
48.64	IP, IF	
48.66	IP, IF	
48.68	IP, IF	
48.70	IP, IF	
48.72	IP, IF	
48.74	IP, IF	
48.76	IP, IF	
48.78	IP, IF	
48.80	IP, IF	
48.82	IP, IF	
48.84	IP, IF	
48.86	IP, IF	
48.88	IP, IF	
48.90	IP, IF	
48.92	IP, IF	
48.94	IP, IF	
48.96	IP, IF	
48.98	IP, IF	
49.00	IP, IF	
49.02	IP, IF	
49.04	IP, IF	
49.06	IP, IF	
49.08	IP, IF	
49.10	IP, IF	
49.12	IP, IF	
49.14	IP, IF	
49.16	IP, IF	
49.18	IP, IF	
49.20	IP, IF	
49.22	IP, IF	
49.24	IP, IF	
49.26	IP, IF	
49.28	IP, IF	
49.30	IP, IF	
49.32	IP, IF	
49.34	IP, IF	
49.36	IP, IF	
49.38	IP, IF	
49.40	IP, IF	
Megahertz		
49.46	IP,IF	
49.44	IP, IF	
49.46	IP, IF	
49.48	IP, IF	
49.50	IP, IF	
49.52	IS	
49.54	IF, IS	
49.56	IS	
49.58	IF, IS	
72.0-76.0	PL, PP, PF, H, PO, PS, IW, IP IF, IM, IY, IS, IB, IX, LM, LR.	Fixed, non-interference with TV channels 4 and 5.
150.815	IB, LA	IB use limited to Puerto Rico and Virgin Islands.
150.830	LA	
150.845	IB, LA	Do.
150.860	LA	
150.875	IB, LA	Do.
150.890	LA	
150.905	IB, LA	Do.
150.920	LA	
150.935	IB, LA	Do.
150.950	LA	
150.965	IB, LA	Do.
150.980	IP	Oil spill.
150.995	PH, IB	Do.
151.010	PH	
151.025	PH, IB	Do.
151.040	PH	
151.055	PH, IB	Do.
151.070	PH	
151.085	PH, IB	Do.
151.100	PH	
151.115	PH, IB	Do.
151.130	PH	
151.145	PO, IB	Do.
151.160	PO	
151.175	PO, IB	Do.
151.190	PO	
151.205	PO, IB	Do.
151.220	PO	
151.235	PO, IB	Do.
151.250	PO	
151.265	PO, IB	Do.
151.280	PO	
151.295	PO, IB	Do.
151.310	PO	
151.325	PO, IB	Do.
151.340	PO	
151.355	PO, IB	Do.
151.370	PO	
151.385	PO, IB	Do.
151.400	PO	
151.415	PO, IB	Do.
151.430	PO	
151.445	PO, IB	Do.
151.460	PO	
151.475	PO, IB	Do.
151.490	IS	
151.505	IS	Interant use.
151.520	IS	
151.535	IS	
151.550	IS	
151.565	IS	
151.580	IS	
151.595	IS	
151.625	IB	Do.
151.655	IB	Maximum power 110 W.
151.685	IB	Do.
151.715	IB	Do.
151.745	IB	Do.
151.775	IB	Do.
151.805	IB	Do.
151.835	IB	Do.
151.865	IB	Do.
151.895	IB	Do.
151.925	IB	
151.955	IB	
151.985	IT	Communications common carrier.
152.0075	PS	1-way paging.
152.270	LX	
152.285	LX	For use within SMA's over 50,000.
152.300	IB, LX	For LX use within SMA's over 50,000.
152.315	LX	For use within SMA's over 50,000.
152.330	LX	
152.345	LX	Do.
152.360	IB, LX	For LX use within SMA's over 50,000.
152.375	LX	For use within SMA's over 50,000.
152.390	LX	Do.
152.405	LX	Do.
152.420	IB, LX	For LX use within SMA's over 50,000.
152.435	LX	For use within SMA's over 50,000.
152.450	LX	
152.465	IF, IS, LX	
152.480	IF, IS, IB	IB 1-way paging.
152.870	IM, IS	
Megahertz		
152.885	IS	
152.900	IM, IS	
152.915	IS	
152.930	IM, IS	
152.945	IS	
152.960	IM, IS	
152.975	IS	
152.990	IM, IS	
153.005	IS	
153.020	IM, IS	
153.035	IP, IS	
153.050	IP, IF, IX	
153.065	IP, IF, IX	
153.080	IP, IF, IX	
153.095	IP, IF, IX	
153.110	IP, IF, IX	
153.125	IP, IF, IX	
153.140	IP, IF, IX	
153.155	IP, IF, IX	
153.170	IP, IF, IX	
153.185	IP, IF, IX	
153.200	IP, IF, IX	
153.215	IP, IF, IX	
153.230	IP, IF, IX	
153.245	IP, IF, IX	
153.260	IP, IF, IX	
153.275	IP, IF, IX	
153.290	IP, IF, IX	
153.305	IP, IF, IX	
153.320	IP, IF, IX	
153.335	IP, IF, IX	
153.350	IP, IF, IX	
153.365	IP, IF, IX	
153.380	IP, IF, IX	
153.395	IP, IF, IX	
153.410	IW	
153.425	IW, IP, IF	See limitations for precluded areas.
153.440	IW, IP, IF	Do.
153.455	IW, IP, IF	Do.
153.470	IW	
153.485	IW, IP, IF	Do.
153.500	IW, IP, IF	Do.
153.515	IW, IP, IF	Do.
153.530	IW	
153.545	IW, IP, IF	Do.
153.560	IW, IP, IF	Do.
153.575	IW, IP, IF	Do.
153.590	IW	
153.605	IW, IP, IF	Do.
153.620	IW, IP, IF	Do.
153.635	IW, IP, IF	Do.
153.650	IW	
153.665	IW, IP, IF	Do.
153.680	IW, IP, IF	Do.
153.695	IW	
153.710	IW	
153.725	IW	
153.740	PL	Mobile.
153.755	PL	Do.
153.770	PF	Do.
153.785	PL	Do.
153.800	PL	Do.
153.815	PL	Do.
153.830	PF	Maximum power 10 W.
153.845	PL	Mobile.
153.860	PL	Do.
153.875	PL	Do.
153.890	PF	Do.
153.905	PL	Do.
153.920	PL	Do.
153.935	PL	Do.
153.950	PF	Do.
153.965	PL	Do.
153.980	PL	Do.
153.995	PL	Do.
154.010	PF	Do.
154.025	PL	
154.040	PL	Not available in Puerto Rico and Virgin Islands.
154.055	PL	Do.
154.070	PF	Do.
154.085	PL	Do.
154.100	PL	Do.
154.115	PL	Do.
154.130	PF	Do.
154.145	PF	Do.
154.160	PF	Do.
154.175	PF	Do.
154.190	PF	Do.
154.205	PF	Do.
154.220	PF	Do.
154.235	PF	Do.
154.250	PF	Do.
154.265	PF	Do.
154.280	PF	Do.
154.295	PF	Do.
154.310	PF	Do.

Frequency	Services	Special limitations
154.325	PF	Do.
154.340	PF	Do.
154.355	PF	Do.
154.370	PF	Do.
154.385	PF	Do.
154.400	PF	Do.
Megahertz		
154.415	PF	Do.
154.430	PF	Do.
154.445	PF	Do.
154.45625	PL, IW, IP, IF, IS, IB, IX.	Remote control and telemetry.
154.46375	PL, IW, IP, IF, IS, IB, IX.	Do.
154.47125	PL, IW, IP, IF, IS, IB, IX.	Do.
154.47875	PL, IW, IP, IF, IS, IB, IX.	Do.
154.490	IS	
154.515	IB	Maximum power 110 W.
154.540	IB	Do.
154.570	IF, IB	Low power, 2 W.
154.585	IP	Oil spill 20 W.
154.600	IF, IB	Low power, 2 W.
154.625	IF, IS, IB	IB 1-way paging.
154.650	PP	Mobile.
154.665	PP	State police.
154.680	PP	Do.
154.695	PP	Do.
154.710	PP	Mobile.
154.725	PP	
154.740	PP	
154.755	PP	
154.770	PP	Do.
154.785	PP	
154.800	PP	
154.815	PP	
154.830	PP	Do.
154.845	PP	
154.860	PP	
154.875	PP	
154.890	PP	Do.
154.905	PP	State police.
154.920	PP	Do.
154.935	PP	Do.
154.950	PP	Mobile.
154.965	PL	
154.980	PL	
154.995	PL	
155.010	PP	
155.025	PL	
155.040	PL	
155.055	PL	
155.070	PP	
155.085	PL	
155.100	PL	
155.115	PL	
155.130	PP	
155.145	PL	
155.160	PS	Adjacent channel coordination required.
155.175	PS	Do.
155.190	PP	
155.205	PS	Do.
155.220	PS	
155.235	PS	Do.
155.250	PP	
155.265	PS	Do.
155.280	PS	
155.295	PS	Do.
155.310	PP	
155.325	PS	Hospital/ ambulance use, coordination required.
155.340	PS	Redition and delivery medical services.
155.355	PS	Hospital/ ambulance use, coordination required.
155.370	PP	
155.385	PS	Do.
155.400	PS	Do.
155.415	PP	
155.430	PP	
155.445	PP	State police.
155.460	PP	Do.
155.475	PP	Nationwide police emergency channel.
155.490	PP	
155.505	PP	State police.
155.520	PP	
155.535	PP	
155.550	PP	
155.565	PP	
155.580	PP	
155.595	PP	
155.610	PP	
155.625	PP	
155.640	PP	
155.655	PP	
155.670	PP	
155.685	PP	
155.700	PP	
155.715	PL	
155.730	PP	
155.745	PL	
155.760	PL	
155.775	PL	
155.790	PP	
Megahertz		
155.805	PL	
155.820	PL	
155.835	PL	
155.850	PP	Mobile.
155.865	PL	
155.880	PL	
155.895	PL	
155.910	PP	Do.
155.925	PL	
155.940	PL	
155.955	PL	
155.970	PP	Do.
155.985	PL	Do.
156.000	PL	Do.
156.015	PL	Do.
156.030	PP	Do.
156.045	PH	Do.
156.060	PH	Do.
156.075	PH	Do.
156.090	PP	Do.
156.105	PH	
156.120	PH	
156.135	PH	
156.150	PP	Do.
156.165	PH	State use not permitted.
156.180	PH	Do.
156.195	PH	Do.
156.210	PP	
156.225	PH	Do.
156.240	PH	Do.
157.450	PS	1-way paging.
157.470	LA	
157.485	LA	
157.500	LA	
157.515	LA	
157.530	LX	
157.545	LX	For use within SMA's over 50,000.
157.560	IB, LX	IB outside, LX inside SMA's (50,000).

Frequency	Services	Special limitations
157.575	LX	For use within SMA's over 50,000.
157.590	LX	
157.605	LX	Do.
157.620	IB, LX	IB outside, LX inside SMA's (50,000).
157.635	LX	For use within SMA's over 50,000.
157.650	LX	
157.665	LX	Do.
157.680	IB, LX	IB outside, LX inside SMA's (50,000).
157.695	LX	For use within SMA's over 50,000.
157.710	LX	
157.725	IP, IS, LX	
157.740	IF, IS, IB	1-way paging.
158.130	IW	
158.145	IW, IP, IF	See limitations for precluded areas.
158.160	IW, IP, IF	Do.
158.175	IW, IP, IF	Do.
158.190	IW	
158.205	IW, IP, IF	Do.
158.220	IW, IP, IF	Do.
158.235	IW, IP, IF	Do.
158.250	IW	
158.265	IW, IP, IF	Do.
158.280	IP, IF, IX	
158.295	IP, IF, IX	
158.310	IP, IF, IX	
158.325	IP, IF, IX	
158.340	IT	Mobile, communications common carrier.
158.355	IP, IF	
158.370	IP, IF	
158.385	IS	
158.400	IS	Itinerant.
158.415	IP, IF, IX	
158.430	IP, IF, IX	
158.445	IP	Oil spill, mobile.
158.460	IF, IS, IB	1-way paging.
158.730	PP	
158.745	PL	
158.760	PL	
158.775	PL	
158.790	PP	
158.805	PL	
158.820	PL	
158.835	PL	
158.850	PP	
158.865	PL	Mobile.
158.880	PL	Do.
158.895	PL	Do.
158.910	PP	Do.
158.925	PL	Do.
158.940	PL	Do.
158.955	PL	Do.
158.970	PP	Do.
Megahertz		
158.985	PH	Mobile, State use not permitted.
159.000	PH	Do.
159.015	PH	Do.
159.030	PP	Mobile.
159.045	PH	Mobile, State use not permitted.
159.060	PH	Do.
159.075	PH	Do.
159.090	PP	
159.105	PH	State use not permitted.
159.120	PH	Do.
159.135	PH	Do.
159.150	PP	
159.165	PH	Do.
159.180	PH	
159.195	PH	
159.210	PP	
159.225	PO	
159.240	PO, IS	IS use in Puerto Rico and Virgin Islands only.
159.255	PO, IS	Do.
159.270	PO, IS	Do.
159.285	PO, IS	Do.
159.300	PO, IS	Do.
159.315	PO, IS	Do.
159.330	PO, IS	Do.
159.345	PO, IS	Do.
159.360	PO, IS	Do.
159.375	PO, IS	Do.
159.390	PO, IS	Do.
159.405	PO, IS	Do.
159.420	PO, IS	Do.
159.435	PO, IS	Do.
159.450	PO	
159.465	PO	
159.480	IP	Oil spill.
159.495	LM	
159.510	LM	
159.525	LM	
159.540	LM	
159.555	LM	
159.570	LM	
159.585	LM	
159.600	LM	
159.615	LM	
159.630	LM	
159.645	LM	
159.660	LM	
159.675	LM	
159.690	LM	
159.705	LM	
159.720	LM	
159.735	LM	
159.750	LM	
159.765	LM	
159.780	LM	
159.795	LM	
159.810	LM	
159.825	LM	
159.840	LM	
159.855	LM	
159.870	LM	
159.885	LM	
159.900	LM	
159.915	LM	
159.930	LM	
159.945	LM	
159.960	LM	
159.975	LM	
159.990	LM	
160.005	LM	
160.020	LM	
160.035	LM	
160.050	LM	
160.065	LM	
160.080	LM	
160.095	LM	
160.110	LM	
160.125	LM	
160.140	LM	
160.155	LM	
160.170	LM	
160.185	LM	
160.200	LM	
160.215	LR	
160.230	LR	
160.245	LR	
160.260	LR	
160.275	LR	
160.290	LR	
160.305	LR	
160.320	LR	
160.335	LR	
160.350	LR	
160.365	LR	
160.380	LR	
160.395	LR	
160.410	IS, LR	IS use in Puerto Rico and Virgin Islands only.
160.425	IS, LR	Do.
160.440	IS, LR	Do.
160.455	IS, LR	Do.
160.470	IS, LR	Do.
160.485	IS, LR	Do.
160.500	IS, LR	Do.
160.515	IS, LR	Do.
Megahertz		
160.530	IS, LR	Do.
160.545	IS, LR	Do.
160.560	IS, LR	Do.
160.575	IS, LR	Do.
160.590	IS, LR	Do.
160.605	IS, LR	Do.
160.620	LR	

Frequency	Services	Special limitations
160.635	LR	
160.650	LR	
160.665	LR	
160.680	LR	
160.695	LR	
160.710	LR	
160.725	LR	
160.740	LR	
160.755	LR	
160.770	LR	
160.785	LR	
160.800	LR	
160.815	LR	
160.830	LR	
160.845	LR	
160.860	LR	
160.875	LR	
160.890	LR	
160.905	LR	
160.920	LR	
160.935	LR	
160.950	LR	
160.965	LR	
160.980	LR	
160.995	LR	
161.010	LR	
161.025	LR	
161.040	LR	
161.055	LR	
161.070	LR	
161.085	LR	
161.100	LR	
161.115	LR	
161.130	LR	
161.145	LR	
161.160	LR	
161.175	LR	
161.190	LR	
161.205	LR	
161.220	LR	
161.235	LR	
161.250	LR	
161.265	LR	
161.280	LR	
161.2	LR	
161.310	LR	
161.325	LR	
161.340	LR	
161.355	LR	
161.370	LR	
161.385	LR	Not available in Puerto Rico and Virgin Islands.
161.400	LR	Do.
161.415	LR	Do.
161.430	LR	Do.
161.445	LR	Do.
161.460	LR	Do.
161.475	LR	Do.
161.490	LR	Do.
161.505	LR	Do.
161.520	LR	Do.
161.535	LR	Do.
161.550	LR	Do.
161.565	LR	Do.
161.610	LR	Grandfather basis only.
163.250	PS	1-way paging.
166.250	PF	Available only within 150 mi of New York City.
169.425	IW, IP, IF, IS	Hydrological or meteorological.
169.450	IW, IP, IF, IS, IB, LR.	Do.
169.475	IW, IP, IF, IS, IB, LR.	Do.
169.500	IW, IP, IF, IS, IB, LR.	Do.
169.525	IW, IP, IF, IS, IB, LR.	Do.
170.150	PF	Available only within 150 mi of New York City.
170.225	IW, IP, IF, IS, IB, LR.	Hydrological or meteorological.
170.250	IW, IP, IF, IS, IB, LR.	Do.
170.275	IW, IP, IF, IS, IB, LR.	Do.
170.300	IW, IP, IF, IS, IB, LR.	Do.
170.325	IW, IP, IF, IS, IB, LR.	Do.
170.425	PO	State use west of Mississippi River.
170.475	PO	State use.
170.575	PO	State use west of Mississippi River.
171.025	IW, IP, IF, IS, IB, LR.	Hydrological or meteorological.
Megahertz		
171.050	IW, IP, IF, IS, IB, LR.	Do.
171.075	IW, IP, IF, IS, IB, LR.	Do.
171.100	IW, IP, IF, IS, IB, LR.	Do.
171.125	IW, IP, IF, IS, IB, LR.	Do.
171.425	PO	State use east of Mississippi River.
171.475	PO	State use west of Mississippi River.
171.575	PO	State use east of Mississippi River.
171.825	IW, IP, IF, IS, IB, LR.	Hydrological or meteorological.
171.850	IW, IP, IF, IS, IB, LR.	Do.
171.875	IW, IP, IF, IS, IB, LR.	Do.
171.900	IW, IP, IF, IS, IB, LR.	Do.
171.925	IW, IP, IF, IS, IB, LR.	Do.
172.225	PO	State use west of Mississippi River.
172.275	PO	State use east of Mississippi River.
172.375	PO	State use west of Mississippi River.
173.20375	PL, IW, IP, IF, IS, IB, IX.	Remote control and telemetry.
173.2100	PL, IW, IP, IF, IS, IB, IX.	Do.
173.225	IM, IY	
173.250	IW, IP, IF	See limitations for precluded areas.
173.275	IM, IY	
173.300	IW, IP, IF	Do.
173.325	IM, IY	
173.350	IW, IP, IF	Do.
173.375	IM, IY	
173.2375	PL, IB, IF, IM, IP, IS, IW.	Remote control and telemetry.
173.2625	Do.	Do.
173.2875	Do.	Do.
173.3125	Do.	Do.
173.3375	Do.	Do.
173.39625	PL, IW, IP, IF, IS, IB, IX.	Remote control and telemetry.
173.390	PL, IW, IP, IF, IS, IB, IX.	Do.
216-220	IW, IP, IF, IS, IB, IX, IT.	Telemetry.
451.025	IW	
451.050	IW	
451.075	IW	
451.100	IW	
451.125	IW	
451.150	IW	
451.175	IW, IP, IF, IM, IT	
451.200	IW	
451.225	IW, IP, IF, IM, IT	
451.250	IW	
451.275	IW, IP, IF, IM, IT	
451.300	IW	
451.325	IW	

Frequency	Services	Special limitations
451.350	IW	
451.375	IW, IP, IF, IM, IT	
451.400	IT	
451.425	IW, IP, IF, IM, IT	
451.450	IT	
451.475	IW, IP, IF, IM, IT	
451.500	IT	
451.525	IW, IP, IF, IM, IT	
451.550	IP, IF	
451.575	IW, IP, IF, IM, IT	
451.600	IP, IF	
451.625	IW, IF, IP	
451.650	IP, IF	
451.675	IW, IP, IF, IM, IT	
451.700	IP, IF	
451.725	IS	
451.750	IP, IF	
451.775	IS	
451.800	IS	
451.825	IS	
451.850	IS	
451.875	IS	
451.900	IS	
451.925	IS	
451.950	IS	
451.975	IS	
452.000	IS	
452.025	IS	
452.050	LX	
452.075	IS	
452.100	LX	
452.125	IS	
452.150	LX	
452.175	IS	
452.200	LX	
452.225	LX	
452.250	LX	
452.275	LX	
452.300	LX	
452.325	LI, LJ, LU, LV, LR.	
452.350	LX	
452.375	LI, LJ, LU, LV, LR.	
452.400	LX	
452.425	LI, LJ, LU, LV, LR.	
452.450	LX	
Megahertz		
452.475	LI,LJ, LU, LV, LR	
452.500	LX	
452.525	LA	Single frequency simplex.
452.550	LA	
452.550	LA	Do.
452.575	LA	Do.
452.600	LA	Do.
452.625	LI, LJ, LU, LV	
452.650	LI, LJ, LU, LV	
452.675	LI, LJ, LU, LV	
452.700	LI, LJ, LU, LV	
452.725	LI, LJ, LU, LV	
452.750	LI, LJ, LU, LV	
452.775	LI, LJ, LU, LV, LR.	
452.800	LI, LJ, LU, LV	
452.825	LI, LJ, LU, LV, LR.	
452.850	LI, LJ, LU, LV	
452.875	LI, LJ, LU, LV, LR.	
452.900	LR	
452.925	LR	
452.950	LR	
452.975	IY	
453.000	IY	
453.025	PL	Highway call box and medical telemetry.
453.050	PL, PP, PF, PH, PO.	
453.075	PL	Do.
453.100	PL, PP, PF, PH, PO.	
453.125	PL	Do.
453.150	PL, PP, PF, PH, PO.	
453.175	PL	Do.
453.200	PL, PP, PF, PH, PO.	
453.225	PL	
453.250	PL, PP, PF, PH, PO.	
453.275	PL	
453.300	PL, PP, PF, PH, PO.	
453.325	PL	
453.350	PL, PP, PF, PH, PO.	
453.375	PL	
453.400	PL, PP, PF, PH, PO.	
453.425	PL	
453.450	PL, PP, PF, PH, PO.	
453.475	PL	
453.500	PL, PP, PF, PH, PO.	
453.525	PL	
453.550	PL, PP, PF, PH, PO.	
453.575	PL	
453.600	PL, PP, PF, PH, PO.	
453.625	PL	
453.650	PL, PP, PF, PH, PO.	
453.675	PL	
453.700	PL, PP, PF, PH, PO.	
453.725	PL	
453.750	PL, PP, PF, PH, PO.	
453.775	PL	
453.800	PL, PP, PF, PH, PO.	
453.825	PL	
453.850	PL, PP, PF, PH, PO.	
453.875	PL	
453.900	PL, PP, PF, PH, PO.	
453.925	PL	
453.950	PL, PP, PF, PH, PO.	
453.975	PL	
454.0–455.0	(3)	
455.0–456.0	(3)	
456.025	IW	Mobile only
456.050	IW	Do.
456.075	IW	Do.
456.100	IW	Do.
456.125	IW	Do.
456.150	IW	Do.
456.175	IW, IP, IF, IM, IT	Do.
456.200	IW	Do.
456.225	IW, IP, IF, IM, IT	Do.
456.250	IW	Do.
456.275	IW, IP, IF, IM, IT	Do.
456.300	IT	Do.
456.325	IT	Do.
456.350	IT	Do.
456.375	IW, IP, IF, IM, IT	Do.
456.400	IT	Do.
456.425	IW, IP, IF, IM, IT	Do.
456.450	IT	Do.
456.475	IW, IP, IF, IM, IT	Do.
456.500	IT	Do.
Megahertz		
456.525	IW, IP, IF, IM, IT	Do.
456.550	IP, IF	Do.
456.575	IW, IP, IF, IM, IT	Do.
456.600	IP, IF	Do.
456.625	IW, IP, IF, IM, IT	Do.
456.650	IP, IF	Do.
456.675	IW, IP, IF, IM, IT	Do.
456.700	IP, IF	Do.
456.725	IS	Do.
456.750	IP, IF	Do.
456.775	IS	Do.
456.800	IS	Base, mobile, fixed.
456.825	IS	Mobile only.
456.850	IS	Do.
456.875	IS	Do.
456.900	IS	Do.
456.925	IS	Do.
456.950	IS	Do.
456.975	IS	Do.
457.000	IS	Do.
457.025	IS	Do.
457.050	LX	Do.
457.075	IS	Do.

Frequency	Services	Special limitations
457.100	LX	Do.
457.125	IS	Do.
457.150	LX	Do.
457.175	IS	Do.
457.200	LX	Do.
457.225	LX	Do.
457.250	LX	Do.
457.275	LX	Do.
457.300	LX	Do.
457.325	LI, LJ, LU, LV, LR.	Do.
457.350	LX	Do.
457.375	LI, LJ, LU, LV, LR.	Do.
457.400	LX	Do.
457.425	LI, LJ, LU, LV, LR.	Do.
457.450	LX	Do.
457.475	LI, LJ, LU, LV, LR.	Do.
457.500	LX	Do.
457.525	IB	Mobile only 2 W.
457.550	IB	Do.
457.575	IB	Do.
457.600	IB	Do.
457.625	LI, LJ, LU, LV	Mobile only.
457.650	LI, LJ, LU, LV	Do.
457.675	LI, LJ, LU, LV	Do.
457.700	LI, LJ, LU, LV	Do.
457.725	LI, LJ, LU, LV	Do.
457.750	LI, LJ, LU, LV	Do.
457.775	LI, LJ, LU, LV	Do.
457.800	LI, LJ, LU, LV	
457.825	LI, LJ, LU, LV, LR.	
457.850	LI, LJ, LU, LV	
457.875	LI, LJ, LU, LV, LR.	
457.900	LR	
457.925	LR	
457.950	LR	
457.975	IY	
458.000	IY	
458.025	PS	Highway call box; medical telemetry.
458.050	PL, PP, PF, PH, PO.	
458.075	PS	Do.
458.100	PL, PP, PF, PH, PO.	
458.125	PS	Do.
458.150	PL, PP, PF, PH, PO.	
458.175	PS	Do.
458.200	PL, PP, PF, PH, PO.	
458.225	PS	
458.250	PL, PP, PF, PH, PO.	
458.275	PS	
458.300	PL, PP, PF, PH, PO.	
458.325	PS	
458.350	PL, PP, PF, PH, PO.	
458.375	PS	
458.400	PL, PP, PF, PH, PO.	
458.425	PS	
458.450	PL, PP, PF, PH, PO.	
458.475	PS	
458.500	PL, PP, PF, PH, PO.	
458.525	PL	
458.550	PL, PP, PF, PH, PO.	
458.575	PL	
458.600	PL, PP, PF, PH, PO.	
458.625	PL	
458.650	PL, PP, PF, PH, PO.	
458.675	PL	
458.700	PL, PP, PF, PH, PO.	
458.725	PL	
458.750	PL, PP, PF, PH, PO.	
458.775	PL	
458.800	PL, PP, PF, PH, PO.	
458.825	PL	
458.850	PL, PP, PF, PH, PO.	
458.875	PL	
458.900	PL, PP, PF, PH, PO.	
458.925	PL	
458.950	PL, PP, PF, PH, PO.	
458.975	PL	
459.000	IP	Oil spill cleanup.
459.0—460.0	(3)	
460.025	PP	
460.050	PP	
460.075	PP	
460.100	PP	
460.125	PP	
460.150	PP	
460.175	PP	
460.200	PP	
460.225	PP	
460.250	PP	
460.275	PP	
460.300	PP	
460.325	PP	
460.350	PP	
460.375	PP	
460.400	PP	
460.425	PP	
460.450	PP	
460.475	PP	
460.500	PP	
460.525	PS	Medical care dispatch.
460.550	PS	Do.
460.575	PF	
460.600	PF	
460.625	PF	
460.650	IB	20 W, airport use.
460.675	IB	Do.
460.700	IB	Do.
460.725	IB	Do.
460.750	IB	Do.
460.775	IB	Do.
460.800	IB	Do.
460.825	IB	Do.
460.850	IB	Do.
460.875	IB	Do.
460.900	IB	110 W, central station protection.
460.925	IB	Do.
460.950	IB	Do.
460.975	IB	Do.
461.000	IB	Do.
461.025	IB	Do.
461.050	IB	Do.
461.075	IB	Do.
461.100	IB	Do.
461.125	IB	Do.
461.150	IB	Do.
461.175	IB	Do.
461.200	IB	Do.
461.225	IB	Do.
461.250	IB	Do.
461.275	IB	Do.
461.300	IB	Do.
461.325	IB	Do.
461.350	IB	Do.
461.375	IB	Do.
461.400	IB	Do.
461.425	IB	Do.
461.450	IB	Do.
461.475	IB	Do.
461.500	IB	Do.
461.525	IB	Do.
461.550	IB	Do.
461.575	IB	Do.
461.600	IB	Do.
461.625	IB	Do.
461.650	IB	Do.
461.675	IB	Do.
461.700	IB	Do.
461.725	IB	Do.
461.750	IB	Do.
461.775	IB	Do.
461.800	IB	Do.
461.825	IB	Do.
461.850	IB	Do.
461.875	IB	Do.

Frequency	Services	Special limitations
461.900	IB	Do.
461.925	IB	Do.
Megahertz		
461.950	IB	Do.
461.975	IB	Do.
462.000	IB	Do.
462.025	IB	Do.
462.050	IB	Do.
462.075	IB	Do.
462.100	IB	Do.
462.125	IB	Do.
462.150	IB	Do.
462.175	IB	Do.
462.200	IM	
462.225	IM	
462.250	IM	
462.275	IM	
462.300	IM	
462.325	IM	
462.350	IM	
462.375	IM	
462.400	IM	
462.425	IM	
462.450	IM	
462.475	IW, IP, IF, IM, IT	
462.500	IM	
462.525	IW, IP, IF, IM, IT	
462.550	(4)	
462.725		
462.750	IB	Base only, 1-way paging.
462.775	IB	Do.
462.800	IB	Do.
462.825	IB	Do.
462.850	IB	Do.
462.875	IB	Do.
462.900	IB	Do.
462.925	IB	Do.
462.950	PS	
462.975	PS	
463.000	PS	Med 1.
463.025	PS	Med 2.
463.050	PS	Med 3.
463.075	PS	Med 4.
463.100	PS	Med 5.
463.125	PS	Med 6.
463.150	PS	Med 7.
463.175	PS	Med 8.
463.200	IB	110 W.
463.225	IB	Do.
463.250	IB	Do.
463.275	IB	Do.
463.300	IB	Do.
463.325	IB	Do.
463.350	IB	Do.
463.375	IB	Do.
463.400	IB	Do.
463.425	IB	Do.
463.450	IB	Do.
463.475	IB	Do.
463.500	IB	Do.
463.525	IB	Do.
463.550	IB	Do.
463.575	IB	Do.
463.600	IB	Do.
463.625	IB	Do.
463.650	IB	Do.
463.675	IB	Do.
463.700	IB	Do.
463.725	IB	Do.
463.750	IB	Do.
463.775	IB	Do.
463.800	IB	Do.
463.825	IB	Do.
463.850	IB	Do.
463.875	IB	Do.
463.900	IB	Do.
463.925	IB	Do.
463.950	IB	Do.
463.975	IB	Do.
464.000	IB	Do.
464.025	IB	Do.
464.050	IB	Do.
464.075	IB	Do.
464.100	IB	Do.
464.125	IB	Do.
464.150	IB	Do.
464.175	IB	Do.
464.200	IB	Do.
464.225	IB	Do.
464.250	IB	Do.
464.275	IB	Do.
464.300	IB	Do.
464.325	IB	110 W, local control only.
464.350	IB	110 W.
464.375	IB	110 W, local control only.
464.400	IB	110 W.
464.425	IB	110 W, local control only.
464.450	IB	110 W.
464.475	IB	110 W, local control only
464.500	IB	35 W, itinerant use.
464.525	IB	110 W, local control only.
464.550	IB	35 W, itinerant use.
Megahertz		
464.575	IB	110 W, local control only.
464.600	IB	110 W.
464.625	IB	Do.
464.650	IB	Do.
464.675	IB	110 W, local control only.
464.700	IB	110 W.
464.725	IB	Do.
464.750	IB	Do.
464.775	IB	110 W, local control only.
464.800	IB	110 W.
464.825	IB	110 W, local control only.
464.850	IB	110 W.
464.875	IB	110 W, local control only.
464.900	IB	110 W.
464.925	IB	110 W, local control only.
464.950	IB	110 W.
464.975	IB	110 W, local control only.
465.000	IB	35 W, 1-way paging.
465.025	PP	
465.050	PP	
465.075	PP	
465.100	PP	
465.125	PP	
465.150	PP	
465.175	PP	
465.200	PP	
465.225	PP	
465.250	PP	
465.275	PP	
465.300	PP	
465.325	PP	
465.350	PP	
465.375	PP	
465.400	PP	
465.425	PP	
465.450	PP	
465.475	PP	
465.500	PP	
465.525	PP	Nonvoice.
465.550	PP	Do.
465.575	PP	
465.600	PP	
465.625	PP	
465.650	IB	2 W, airport use.
465.675	IB	Do.
465.700	IB	Do.
465.725	IB	Do.
465.750	IB	Do.
465.775	IB	Do.
465.800	IB	Do.
465.825	IB	Do.
465.850	IB	Do.
465.875	IB	2 W, airport use, telemetry.
465.900	IB	110 W, central station protection.
465.925	IB	Do.
465.950	IB	Do.
465.975	IB	Do.
466.000	IB	Do.
466.025	IB	110 W, mobile; directional fixed.
466.050	IB	Do.

Frequency	Services	Special limitations
466.075	IB	Do.
466.100	IB	Do.
466.125	IB	Do.
466.150	IB	Do.
466.175	IB	Do.
466.200	IB	Do.
466.225	IB	Do.
466.250	IB	Do.
466.275	IB	Do.
466.300	IB	Do.
466.325	IB	Do.
466.350	IB	Do.
466.375	IB	Do.
466.400	IB	Do.
466.425	IB	Do.
466.450	IB	Do.
466.475	IB	Do.
466.500	IB	Do.
466.525	IB	Do.
466.550	IB	Do.
466.575	IB	Do.
466.600	IB	Do.
466.625	IB	Do.
466.650	IB	Do.
466.675	IB	Do.
466.700	IB	Do.
466.725	IB	Do.
466.750	IB	Do.
466.775	IB	Do.
466.800	IB	Do.
466.825	IB	Do.
466.850	IB	Do.
466.875	IB	Do.
466.900	IB	Do.
466.925	IB	Do.
Megahertz		
466.950	IB	Do.
466.975	IB	Do.
467.000	IB	Do.
467.025	IB	Do.
467.050	IB	Do.
467.075	IB	Do.
467.100	IB	Do.
467.125	IB	Do.
467.150	IB	Do.
467.175	IB	Do.
467.200	IM	Mobile only.
467.225	IM	Do.
467.250	IM	Do.
467.275	IM	Do.
467.300	IM	Do.
467.325	IM	Do.
467.350	IM	Do.
467.375	IM	Do.
467.400	IM	Do.
467.425	IM	Do.
467.450	IM	Do.
467.475	IM, IW, IP, IF, IT	Do.
467.500	IM	Do.
467.525	IM, IW, IP, IF, IT	Do.
467.550	(1)	
467.725		
467.750	IB	2W, telemetry.
467.775	IB	Do.
467.800	IB	Do.
467.825	IB	Do.
467.850	IB	Do.
467.875	IB	Do.
467.900	IB	Do.
467.925	IB	Do.
467.950	PS	Medical care dispatch.
467.975	PS	Do.
468.000	PS	Med 1.
468.025	PS	Med 2.
468.050	PS	Med 3.
468.075	PS	Med 4.
468.100	PS	Med 5.
466.125	PS	Med 6.
468.150	PS	Med 7.
468.175	PS	Med 8.
468.200	IB	110 W, mobile; directional fixed.
468.225	IB	Do.
468.250	IB	Do.
468.275	IB	Do.
468.300	IB	Do.
468.325	IB	Do.
468.350	IB	Do.
468.375	IB	Do.
468.400	IB	Do.
468.425	IB	Do.
468.450	IB	Do.
468.475	IB	Do.
468.500	IB	Do.
468.525	IB	Do.
468.550	IB	Do.
468.575	IB	Do.
468.600	IB	Do.
468.625	IB	Do.
468.650	IB	Do.
468.675	IB	Do.
468.700	IB	Do.
468.725	IB	Do.
468.750	IB	Do.
468.775	IB	Do.
468.800	IB	Do.
468.825	IB	Do.
468.850	IB	Do.
468.875	IB	Do.
468.900	IB	Do.
468.925	IB	Do.
468.950	IB	Do.
468.975	IB	Do.
469.000	IB	Do.
469.025	IB	Do.
469.050	IB	Do.
469.075	IB	Do.
469.100	IB	Do.
469.125	IB	Do.
469.150	IB	Do.
469.175	IB	Do.
469.200	IB	Do.
469.225	IB	Do.
469.250	IB	Do.
469.275	IB	Do.
469.300	IB	Do.
469.325	IB	Do.
469.350	IB	Do.
469.375	IB	Do.
469.400	IB	Do.
469.425	IB	Do.
469.450	IB	Do.
469.475	IB	Do.
469.500	IB	35 W, itinerant.
469.525	IB	110 W, mobile; directional fixed.
469.550	IB	35 W, itinerant.
469.575	IB	110 W, mobile; directional fixed.
469.600	IB	110 W.
Megahertz		
469.625	IB	Do.
469.650	IB	Do.
469.675	IB	110 W, mobile; directional fixed.
469.700	IB	Do.
469.725	IB	Do.
469.750	IB	Do.
469.775	IB	Do.
469.800	IB	Do.
469.825	IB	Do.
469.850	IB	Do.
469.875	IB	Do.
469.900	IB	Do.
469.925	IB	Do.
469.950	IB	Do.
469.975	IB	Do.
470.000-0125-470.2875	(3)	
470-512	(1)	Available in 13 urbanized areas only in accordance with provisions of subpt. L.

[1] All services.
[2] Domestic public.
[3] Remote pickup broadcast.
[4] Citizen's class A.

§ 90.560 Cross reference table.

The following table lists the rules sections which, prior to the adoption of part 90, governed the private land mobile radio services. The former rule parts were parts 89, 91, and 93. Action taken with respect to each former section is described.

§ 90.560 Cross reference table.

(Conversion of parts 89, 91, and 93 to part 90).

Present section No.	Proposed section and title	Summary of changes proposed
89.1	90.1—Basis and purpose	Minor rewording.
89.3	90.7Definitions	Deletions and additions as necessary—minor reorganization and clarification.
89.5	NA	
89.7	90.415—Prohibited uses	Minor rewording.
89.9	90.115—Ineligibility of foreign governments	Do.
89.11	90.151—Assignment of station authorizations	Do.
89.12	90.243Mobile relay stations	Relay, repeater and control uses separated under specific sections with minor rewording and clarification.
	90.245—Fixed relay stations	
	90.247—Mobile repeater stations	
	90.249—Control stations	
89.13 and 89.14	90.179—Cooperative use of stations	Minor rewording.
89.15 (a), (b), and (c).	90.175—Frequency coordination requirements	Do.
89.15 (d) and (e)	90.177—Protection of certain radio receiving locations	No change.
89.17	90.411—Civil defense communications in the public safety and special emergency radio services.	Do.
89.51	90.113—Station authorization required	Minor rewording.
89.55(a)	90.117—Applications for radio station authorization	Minor rewording, added reference to fees information.
89.55(b)	90.127(a)—Filing of applications	Minor rewording, added Chicago filing address information.
89.55(c)	90.119(b)—Application forms	Information set forth in 2 new sections with minor rewording.
	90.127(b)—Filing of applications	
89.55(d)	90.139—Preliminary processing of applications	No change.
89.55(e)	90.137—Applications for operation at temporary location	Minor rewording.
89.56	90.147—Mailing address furnished by licensee	No change.
89.57	90.125—Who may sign applications	Paragraph (c) expanded.
89.59 (a) and (b)	90.119(a)—Application forms	Minor rewording, referenced form 1046, eliminated construction permit.
89.59(d)	90.119(d)—Application forms	Minor rewording.
89.59(e)	90.145—Special temporary authority	Do.
89.59(f)	NA	Requirement to file form 456 deleted.
89.59(g)	90.119(b)—Application forms	Minor rewording.
89.60	90.493—Chicago region	No change.
89.61	90.145—Special temporary authority	Minor rewording—added an eligibility statement requirement.
89.63	90.129—Supplemental information to be routinely submitted with applications.	Minor rewording.
89.65	90.143—Grants of application	Do.
89.67	90.139—Preliminary processing of applications	Deleted reference to alien restrictions.
89.69	90.131—Amendment or dismissal of applications	No change.
89.71	90.155—Time in which stations must be placed in operation	Minor rewording, deleted construction permit requirements.
89.73	90.149—License term	Minor rewording with clarification.
89.75	90.135—Modification of license	Rewritten to specify changes requiring applications to be approved.
89.77	90.157—Discontinuance of station operation	No change.
89.79	90.19(c)—Police radio service	Do.
89.81	90.497—Special provisions relating to frequency assignments in the Chicago region.	Do.
89.101 (a), (b)(1), and (g).	90.173—Policies governing the assignment of frequencies	Deletions and additions as necessary—minor rewording and clarification.
89.101(b)(2)	90.253—Use of the frequency 4383.8 kHz	Combines applicable provisions in this and other sections.
89.101(c)	90.257—Assignment and use of frequencies in the band 72-76 MHz	Do.

Present section No.	Proposed section and title	Summary of changes proposed
89.101(d)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz.	Do.
89.101(e)	90.263—Substitution of frequencies below 25 MHz	Combines applicable provisions.
89.101 (h), (i), and (l).	See various frequency tables in subpts. B, C, and F	Extensive deletions, additions and rearrangements as necessary, minor rewording and clarification.
89.101 (p) and (q)	90.261—Assignment and use of frequencies in the band 450-470 MHz for fixed operations.	No change.
89.102	90.241—Radio call box operations	Minor rewording.
89.102(c)	Travelers' Information Stations	No change.
89.103	90.213—Frequency tolerance	Includes part of SSB requirements from sec. 89.124—minor rewording.
89.105	90.207—Types of emission	Reworded to reference each operation with types of emission permitted.
89.107	90.209—Bandwidth limitations	Minor rewording and includes schedule from SSB requirements in sec. 89.124.
89.109	90.211—Modulation requirements	Minor rewording and clarification.
89.111	90.205—Power	Do.
89.113(a)	90.427—Precaution against unauthorized operation	Minor rewording combined with other sections.
89.113 (b), (c), (d), and (e).	90.429—Control point and dispatch point requirements	Minor rewording and rearrangement.
89.115	90.215—Transmitter measurements	Minor rewording.
89.117	90.203—Type acceptance required	Combined with other sections.
89.119	....do	Do.
89.120	90.239—Interim provisions for operation of Automatic Vehicle Monitoring (AVM) systems.	Minor rewording.
89.122	90.237—Interim provisions for operation of radioteleprinter and radiofacsimile devices.	Do.
89.123	Subpt. L—Authorization in the band 470-512 MHz (UHF-TV sharing).	Combined with other sections.
89.124	NA	Rearranged by including technical standards in other appropriate sections.
89.126	90.235—Secondard fixed tone-signalling and alarm operations	Minor rewording.
89.151 (a), (b), (d), and (e).	90.403—General operating requirements	Added priority to safety-of-life-or-property communications.
89.151(c)	90.19(b)—Police radio service	Combined with other sections.
89.153	90.425—Station identification	Combined with rules for industrial and land transportation.
89.155	90.403—General operating requirements	Combined with other sections.
89.156	90.423—Operations on board aircraft	Minor rewording.
89.157	90.421—Operation of mobile units in vehicles not under the control of the licensee.	Combined with other sections.
89.159	90.409—Emergency operation of public safety and special emergency mobile stations at fixed locations.	No change.
89.161(a)	90.417—Interstation communications	Combined with other sections.
89.161(b)	90.253—Use of the frequency 4383.8 kHz	Minor rewording.
89.163 (a), (b), and (c).	90.433—Operator license requirements	Do.
89.163(d)	90.431—Unattended operation	Do.
89.163(f)	90.427—Precautions against unauthorized operation	Minor rewording, combined with other sections.
89.165	90.435—Posting of operator license	Minor rewording.
89.167	90.437—Posting station licenses	Do.
89.169	90.439—Inspection of stations	No change.
89.171	90.441—Inspection and maintenance of tower marking and associated control equipment.	Do.
89.173	90.449—Answers to a notice of violation	Minor rewording.
89.175	90.443—Contents of station records	No change.
89.177	90.445—Form of station records	Do.
89.179	90.447—Retention of station records	Do.
89.201	90.503—Eligibility	Minor rewording.
89.203	90.505—Showing required	Do.
89.205	90.507—Limitations on use	Do.
89.207	90.509—Frequencies available for assignment	No change.
89.209	90.511—Interference	Minor rewording.
89.211	90.513—Special provisions	Do.
89.213	90.515—Change or cancellation of authorization without hearing	No change except title.
89.215	90.517—Report of operation	Minor rewording.
89.251 and 89.253.	90.17(a)—Local government radio service	Minor rewording and rearrangement.
89.255	90.419—Points of communication	Combined with other sections.
89.257	90.421—Operation of mobile units in vehicles not under the control of the licensee.	Do.
89.259 (a) and (f).	90.17(b)—Local government radio service	Combined, renumbered limitations, included all frequencies in table.
89.259(b)	90.173—Policies governing the assignment of frequencies	Combined with other sections.
89.259(c)	NA	Deleted.
89.259(d)	90.17(e)—Local government radio service	Minor rewording.

Present section No.	Proposed section and title	Summary of changes proposed
89.259(g)	90.17(e)—Local government radio service	Renumbered and reworded with certain exceptions noted for sec. 89.254(g) (4), (5), and (7).
89.259(g)(4)	90.249—Control stations	Combined with other sections.
89.259(g)(5)	90.173(i)—Policies governing the assignment of frequencies	Minor rewording.
89.259(g)(7)	NA	Deleted.
89.259(h)	NA	Do.
89.301 and 303	90.19(a)—Police radio service	Minor rewording and rearrangement.
89.305 (a), (b), and (c).	90.419—Points of communications	Combined with other sections.
89.305(d)	90.19(b)—Police radio service	Do.
89.307(b)	90.421—Operation of mobile units in vehicles not under the control of the license.	Do.
89.307(c)	90.19(b)—Police radio service	Do.
89.309 (a) and (g).	90.19(d)—Police radio service	Combined, renumbered limitations, included all frequencies in the table.
89.309(b)	90.173—Policies governing the assignment of frequencies	Combined with other sections.
89.309(c)	90.19 (f) and (g)—Police radio service	Minor rewording.
89.309(d)	NA	Deleted.
89.309(e)	90.19(g)—Police radio service	Minor rewording.
89.309(h)	90.19(e)—Police radio service	Renumbered and reworded limitations with certain exceptions noted for secs. 90.304(h) (1), (2), and (4).
89.309(h)(1)	NA	Deleted.
89.309(h)(2)	90.173(j)—Policies governing the assignment of frequencies	Minor rewording.
89.309(h)(4)	90.249—Control stations	Combined with other sections.
89.309(i)	NA	Deleted.
89.351 and 89.353.	90.21(a)—Fire radio service	Minor rewording and rearrangement.
89.355	90.419—Points of communications	Combined with other sections.
89.357	90.421—Operation of mobile units in vehicles not under the control of the licensee.	Do.
89.359 (a) and (f).	90.21(b)—Fire radio service	Combined, included all frequencies in the table—renumbered limitations.
89.359(b)	90.173—Policies governing the assignment of frequencies	Combined with other sections.
89.359(c)	90.21(e)—Fire radio service	Minor rewording.
89.359(d)	NA	Deleted.
89.359(g)	90.21(c)—Fire radio service	Renumbered and reworded limitations with certain exceptions noted for secs. 89.359(g) (1), (2), and (4).
89.359(g)(1)	NA	Deleted.
89.359(g)(2)	90.173(i)—Policies governing the assignment of frequencies.	Minor rewording.
89.359(g)(4)	90.249—Control stations	Combined with other sections.
89.359(h)	NA	Deleted.
89.401 and 89.403.	90.23(a)—Highway maintenance radio service	Minor rewording and rearrangement.
89.405	90.419—points of communications	Combined with other sections.
89.407(b)	90.421—Operation of mobile units in vehicles not under the control of the licensee.	Do.
89.407(c)	90.23(c)—Highway maintenance radio service	Included in limitation on particular frequencies.
89.409 (a) and (e).	90.23(b)—Highway maintenance radio service	Combined—included all frequencies in table—renumbered limits.
89.409(b)	NA	Deleted.
89.409(c)	90.23(e)—)Highway maintenance radio service	Minor rewording.
89.409(f)	90.23(c)—Highway maintenance radio service	Renumbered and reword limits except as noted for sec. 89.409(f)(1).
89.409(f)(1)	90.249—Control stations	Combined with other sections.
89.409(g)	90.173—Policies governing the assignment of frequencies.	Do.
89.409(h)	NA	Deleted.
89.451 and 89.453.	90.25(a)—Forestry-conservation radio service	Minor rewording and rearrangement.
89.455	90.419—Points of communications	Combined with other sections.
89.457	90.421—Operation of mobile units in vehicles not under the control of the licensee.	Do.
89.459(a) and (d).	90.25(b)—Forestry conservation radio service	Combined—included all frequencies in table, renumbered limitations.
89.459(b)	NA	Deleted.
89.459(e)	90.25(c)—Forestry-conservation radio service	Renumbered and reworded limits with exception noted for sec. 89.459(e)(1).
89.459(e)(1)	90.249—Control stations	Combined with other sections.
89.501	90.33—Scope	Minor rewording.
89.503	90.35—Medical services	Minor rewording 1st sentence of (b) deleted.
89.505	90.37—Rescue organization	Minor rewording.
89.507	90.39—Veterinarians	Do.
89.509	90.41—Disaster relief organization	Do.
89.511	90.43—School buses	Do.
89.513	90.45—Beach patrols	Do.
89.515	90.47—Establishments in isolated areas	Do.
89.517	90.49—Communication standby facilities	Do.
89.519	90.51—Emergency repair of public communications facilities.	Do.
89.521	90.419—Points of communication	Combined with other sections, minor rewording.
89.523(a)	90.243—Mobile relay stations	Do.
89.523(b)	NA	Specific requirement for monitoring deleted. See sec. 90.403(c).

Present section No.	Proposed section and title	Summary of changes proposed
89.523(c)	NA	Deleted.
89.523(d)	90.55—Paging operations	Minor rewording.
89.525(a) and (e)	90.53(a)—Frequencies available	Combined—included all frequencies in table. Renumbered limitations.
89.525(b)	NA	Deleted.
89.525(c)	90.53(d)—Frequencies available	Minor rewording.
89.525(d)	90.53(a)—Frequencies available	Do.
89.525(f)	90.53(b)—Frequencies available	Renumbered and reworded limitations except as noted for secs. 89.525(f)(1), (13) and (22).
89.525(f)(1)	90.173(i)—Policies governing the assignment of frequencies.	Minor rewording.
89.525(f)(13)	NA	Deleted.
89.525(f)(22)	90.249—Control station	Combined with other sections.
89.551	90.17(c)—Local government radio service	State guard radio service moved to category of local government radio service.
89.553	90.405—Permissible communications	Combined with other sections.
89.555	90.419—Points of communication	Do.
89.559	90.17 (b) and (c)—Local government radio service.	Included in local government radio service.
89.601	90.351—Scope	Minor rewording and rearrangement.
89.602	90.7—Definitions	No change.
89.603	90.351—Scope	Minor rewording and rearrangement.
89.604	90.355—Eligibility	No change.
89.605	90.387—Station identification	Do.
89.651	90.379—Limitations on power and antenna height	Do.
89.652	90.381—Restrictions on operational fixed stations	Do.
89.653	90.389—Restriction on interconnection	Do.
89.655	90.385—Restrictions and limitations on permissible communications, on use, and on mode of operation.	Do.
89.656	90.393—special conditions governing the furnishing of radio equipment by licensees.	Do.
89.657	90.373—Restrictions on licensing manufacturers in the 806-821 MHz, and 851-866 MHz bands.	Do.
89.658	90.383—Acceptability of transmitters for licensing in the 806-821 MHz, and 851-866 MHz bands..	Do.
89.701	90.357—Forms to be used	Do.
89.702	90.359—Supplemental information to be furnished by applicants for facilities under this subpart.	Do.
89.703	90.391—Supplemental reports required of licensees authorized under this subpart.	Do.
89.704	90.363—Processing of applications	Do.
89.751	90.365—Selection and assignment of frequencies	Do.
89.801	90.375—Trunked systems loading requirements	No change (except title).
89.802	90.377—Conventional systems loading requirements.	Do.
89.803	90.369—Other criteria to be applied in assigning channels for use in conventional systems of communication.	No change.
89.804	90.395—Number of systems authorized in a geographical area.	No change (except title).
89.805	90.367—Limitation on the number of frequencies assignable for conventional systems.	No change.
89.806	90.371—Limitation on the number of frequency pairs assignable for trunked systems and on the number of trunked systems.	Do.
89.807	90.397—Special licensing requirements for radio stations used to provide service to persons other than the licensee.	Do.
89.808	90.361—Special limitations on amendment of applications for assignment or transfer of authorizations for radio systems used to provide service to persons other than the licensee.	Do.
89.901	90.461—Direct and remote control of transmitters	Minor rewording.
89.902	90.463—Transmitter control points	Combined with other sections.
89.903	....do	Do.
89.904	....do	Do.
89.905	....do	Do.
89.906	90.465—Control of systems of communication	Minor rewording.
89.907	90.467—Dispatch points	Do.
89.908	90.469—Unattended operation	Do.
89.925	90.7—Definitions	Do.
89.926	90.471—Points of operation in internal systems	No change.
89.927	90.473—Operation of internal systems through licensed fixed control points.	Do.
89.928	90.475—Operation of internal systems in specially equipped systems	Do.
89.950	90.7—Definitions	Do.
89.951	90.477—Restrictions on interconnected systems	Minor rewording.
89.952	90.479—Interconnection of radio systems with the facilities of telephone companies.	Do.
89.953	90.481—Permissible methods of interconnecting private and public systems of communication.	Do.

Present section No.	Proposed section and title	Summary of changes proposed
89.954	90.483—Special requirements pertaining to the methods of interconnection.	Do.
89.975	90.485—One-way paging operations in the 806-821 MHz, and 851-866 MHz bands.	Do.
91.1	90.1—Basis and purpose	Minor rewording.
91.2	90.415—Prohibited uses	Combined with other sections.
91.3	90.7—Definitions	Deletions and additions as necessary. Minor reorganization and clarification.
91.4	90.115—Ineligibility of foreign governments	Minor rewording.
91.5	90.153—Assignment of station authorization	Do.
91.6	90.181—Cooperative use of radio services	Action deferred for resolution of docket 18921.
91.7	90.243—Mobile relay stations	Relay, repeater and control uses separated under specific sections with minor rewording and clarification.
	90.245—Fixed relay stations	
	90.247—Mobile repeater stations	
	90.249—Control stations	
91.8(a)	90.173 (a) and (b)—Policies governing the assignment of frequencies	Minor rewording.
	90.175—Frequency coordination requirements	Do.
91.8(b)	NA	Deleted.
91.8(c)	Various radio services sections under limitation on number of frequencies assignable.	Minor rewording.
91.8(d)	NA	Deleted.
91.8(e)	90.173(g)—Policies governing the assignment of frequencies	Minor rewording.
91.8(f)	90.173(c)—Policies governing the assignment of frequencies	Do.
91.8(g)	90.257—Assignment and use of frequencies in the band 72-76 MHz	Combines applicable provisions in this and other sections.
91.8(h)	90.173(e)—Policies governing the assignment of frequencies	Minor rewording.
91.8(i)	NA	Deleted.
91.8(j)	Various radio services sections under limitation on number of frequencies assignable.	Minor rewording.
91.8 (k) and (m)	90.177—Protection of certain radio receiving locations	No change.
91.8(l)	90.261—Assignment and use of frequencies in the band 450-470 MHz for fixed operations.	Do.
91.9	90.185—Cooperative use of radio stations	Minor rewording.
91.50	90.147—Mailing address furnished by licensee	No change.
91.51	90.113—Station authorization required	Minor rewording.
91.53	90.145—Special temporary authority	Minor rewording—added a requirement for eligibility statement.
91.54(a)	90.119—Application forms	Combined with other sections.
91.54(b)	90.127(a)—Filing of applications	Minor rewording—added Chicago filing address.
91.54(c)	90.127(b)—Filing of applications	Combined with other sections.
91.54(d)	90.139—Preliminary processing of applications	No change.
91.54(e)	90.137—Applications for operation at temporary location	Minor rewording.
91.54(f)	90.129(e)—Supplemental information to be routinely submitted with applications.	Do.
91.55	90.125—Who may sign applications	Paragraph (c) expanded.
91.56(a)(b)	90.119(a)—Application forms	Minor rewording—reference to form 1046 added—eliminate reference to construction permit.
91.56(d)	90.153—Assignment of station authorization	Minor rewording.
91.56(e)	90.145—Special temporary authority	Do.
91.56(f)	NA	Requirement deleted.
91.56(g)	90.119(b)—Application forms	Minor rewording.
91.57(a)	90.119(c)—Application forms	Do.
91.57(b)	90.493—Chicago region	No change.
91.58(a)	90.129(1)—Supplemental information to be routinely submitted with applications.	Minor rewording.
91.58(a)(1)	90.173—Policies governing the assignment of frequencies	Do.
91.58(b)	Various services sections under limitation on number of frequencies assignable.	Do.
91.58(c)	NA	Deleted.
91.58 (d), (e), (f), (g), (h), (i), (j), (k), and (l).	90.129—Supplemental information to be routinely submitted with applications.	Minor rewording—combined with other sections.
91.59	90.143—Grants of applications	Minor rewording.
91.60	90.139—Preliminary processing of applications	Deleted reference to alien restrictions.
91.61	90.131—Amendment or dismissal of applications	No change.
91.62	90.155—Time in which stations must be placed in operation	Minor rewording—deleted construction permit requirements.
91.63	90.149—License term	Minor rewording and clarification.
91.64	90.135—Modification of license	Rewritten to specify changes.
91.65	NA	Deleted.
91.66	90.157—Discontinuance of station operation	No change.
91.67	90.497—Special provisions relating to frequency assignments in the Chicago region.	Do.
91.101(a)	NA	Deleted.

Present section No.	Proposed section and title	Summary of changes proposed
91.101(b)	90.253—Use of the frequency 4383.8 kHz	Combined with other sections.
91.102	90.213—Frequency tolerance	Do.
91.103(a)	90.207(a)—Types of emission	Combined with other sections—referenced each operation with type of emission permitted.
91.103(b)	90.233—Secondary base/mobile nonvoice signaling operations	Combined with other sections—deleted requirement for submission of coding system.
91.103(c)	NA	
91.104	90.209—Bandwidth limitations	Combined with other sections.
91.105	90.211—Modulation requirements	Do.
91.106	90.205—Power	Do.
91.107(a)	90.427—Precautions against unauthorized operation	Minor rewording.
91.107(b), (c), (d), and (e).	90.429—Control point and dispatch point requirements	Do.
91.108	90.215—Transmitter measurements	Combined with other sections—minor rewording.
91.109 (a) and (b).	90.203—Type acceptance required	Combined with other sections.
91.109(c)	NA	Deleted.
91.110	90.203—Type acceptance required	Combined with other sections.
91.112	NA	Rearranged by including technical standards in other appropriate sections.
91.113	90.237—Interim provisions for operation of radio teleprinter and radio fascimile devices.	Combined with other sections.
91.114	Subpart L—Authorizations in the band 470-512 MHz (UHF-TV Sharing).	Do.
91.116	NA	Deleted.
91.120	90.239—Interim provisions for operation of automatic vehicle monitoring (AVM) systems.	Combined with other sections.
91.151 (a) and (b).	90.405—Permissible communications	Do.
91.151(c)	90.419—Points of communication	Do.
91.151(d)	90.403—General operating requirements	Do.
91.151(e)	90.407—Communications permitted during emergency situations	Do.
91.151(f)	90.405—Permissible communications	Do.
91.152	90.425—Station identification	Combined with other sections reorganized.
91.153	90.403—General operating requirements	Minor rewording.
91.154	90.433—Operator license-requirements	Do.
91.155	90.435—Posting of operator license	Reorganized.
91.156	90.437—Posting station license	Do.
91.157	90.439—Inspection of stations	Minor rewording.
91.158	90.441—Inspection and maintenance of tower marking and associated control equipment.	Do.
91.159	90.449—Answer to a notice of violation	Do.
91.160	90.443—Content of station records	
	90.445—Form of station records	Separated and reorganized with minor rewording.
	90.447—Retention of station records	
91.162	90.423—Operations on board aircraft	No change.
91.201	90.503—Eligibility	Minor rewording.
91.202	90.505—Showing required	Do.
91.203	90.507—Limitations on use	Do.
91.204	90.509—Frequencies available for assignment	No change.
91.205	90.511—Interference	Minor rewording.
91.206	90.513—Special provisions	Do.
91.207	90.515—Change or cancellation of authorization without hearing	No change except title.
91.208	90.517—Report of operation	Minor rewording.
91.251	90.63(a)—Power radio service	Minor rewording—combined with other sections.
91.251 (d) and (e).	90.61—General eligibility	Combined with other sections.
91.252(a)	90.123—Full disclosures	Do.
91.252(b)	90.63(b)(2)—Power radio service	Minor rewording.
91.252(c)	90.63(e)(4)—Power radio service	Do.
91.252(d)	90.63(b)(1)—Power radio service	Do.
91.252(e)	Assignment and use of frequencies in the 450-470 MHz band for fixed operations.	Do.
91.252(f)	90.233—Secondary base/mobile nonvoice signaling operations	Combined with other sections.
91.253(a)	NA	Not necessary.
91.253 (b) and (c).	90.235—Secondary fixed tone signaling and alarm operations	Combined with other sections.
91.253(d)	90.421(h)—Operation of mobile units in vehicles not under the control of the licensee.	Minor rewording.
91.254(a)	90.63(c)—Power radio service	Included all frequencies in table. Renumbered limitations.
91.254(b)	....do	Renumbered and reworded limitations except as noted for 91.254(b), (6), (7), (8), (10), (26), (28), (29), (30), and (35).
91.254(b)(6)	NA	Deleted.
91.254(b)(7)	NA	Do.
91.254(b)(8)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.555, 27.265 and 27.275 MHz.	Minor rewording—combined with other sections.

Present section No.	Proposed section and title	Summary of changes proposed
91.254(b)(10)	90.263—Substitution of frequencies below 25 MHz	Minor rewording.
91.254(b)(26)	90.261—Assignment and use of frequencies in the band 450-470 MHz for fixed operations.	Combined with other sections.
91.254(b)(28)	NA	Deleted.
91.254(b)(29)	90.173—Policies governing the assignment of frequencies	Minor rewording.
91.254(b)(30)	90.249—Control stations	Combined with other sections.
91.254(b)(35)	90.259—Assignment and use of frequencies in the bands 216-220 MHz and 1427-1435 MHz.	Combined with other sections. Minor rewording.
91.255(a)	NA	Deleted.
91.255(b)	90.63(e)(3)—Power radio service	Minor rewording.
91.301	90.659(a)—Petroleum radio sevice	Minor rewording. Combined with other sections.
91.302(a)	90.123—Full disclosures	Minor rewording.
91.302(b)	90.65(d)(4)—Petroleum radio service	Do.
91.302(c)	Assignment and use of frequencies in the 450-470 MHz band for fixed operations.	Do.
91.302(d)	90.233—Secondary base/mobile nonvoice signalling operations	Combined with other sections.
91.302(e)	90.65(c)(4)—Petroleum radio service	Made into frequency limitation and exception to limit on number of frequencies.
	90.65(e)(4)—Petroleum radio service	
91.303(a)	NA	Not necessary.
91.303(b)	90.235—Secondary fixed tone signalling and alarm operation	Combined with other sections.
91.304(a)	90.65(b)—Petroleum radio service	Included all frequencies in table. Renumbered limitations.
91.304(b)	90.65(c)—Petroleum radio service	Renumbered and reworded limits except as noted for secs. 91.304(b) (4), (5), (6), (8), (27), (29), (31), (32), (33), and (37).
91.304(b)(4)	NA	Deleted.
91.304(b)(5)	NA	Do.
91.304(b)(6)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz.	Minor rewording combined with other sections.
91.304(b)(8)	90.263—Substitution of frequencies below 25 MHz	Minor rewording.
91.304(b)(27)	90.259—Assignment and use of frequencies in the bands 216-220 MHz and 1427-1435 MHz.	Combined with other section.
91.304(b)(29)	90.261—Assignment and use of frequencies in the bands 450-470 MHz for fixed operations.	Do.
91.304(b)(31)	NA	Deleted.
91.304(b)(32)	90.173(l)—Policies governing the assignment of frequencies	Minor rewording.
91.304(b)(33)	90.249—Control stations	Combined with other sections.
91.304(b)(37)	90.259—Assignment and use of frequencies in the bands 216-220 MHz and 1427-1435 MHz.	Do.
91.305(a)	90.65(d)—Petroleum radio service	Minor rewording.
91.305(b)	90.65(d)—Petroleum radio service.	Do.
91.351	90.67(a)—Forest products radio service	Minor rewording combined with other sections.
91.352	90.123—Full disclosures	Combined with other sections.
91.353	NA	Not necessary.
91.354(a)	90.67(b)—Forest products radio service	Included all frequencies in table. Renumbered limitations.
91.354(b)	90.67(c)—Forest products radio service.	Rewording and renumbered limitations except as noted for secs. 91.354(b) (4), (5), (6), (7), (8), (29), (31), (32), (33), and (35).
91.354(b)(4) and (5).	NA	Deleted.
91.354(b)(6)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz.	Minor rewording. Combined with other sections.
91.354(b)(7) and 91.354(b)(35).	90.259—Assignment and use of the frequencies in the bands 216-220 MHz and 1427-1435MHz..	Do.
91.354(b)(8)	90.263—Substitution of frequencies below 25 MHz	Minor rewording.
91.354(b)(29)	90.261—Assignment and use of frequencies in the bands 450-470 MHz for fixed operations.	Combined with other sections.
91.354(b)(31)	NA	Deleted.
91.354(b)(32)	90.173(l)—Policies governing the assignment of frequencies	Minor rewording.
91.354(b)(33)	90.249—Control stations	Combined with other sections.
91.355(a)	NA	Deleted.
91.355(b)	90.67(d)—Forest products radio service	Minor rewording.
91.401	90.69(a)—Motion picture radio service	Minor rewording. Combined with other sections.
91.402	90.123—Full disclosures	Combined with other sections.
91.403	NA	Not necessary.
91.404(a)	90.69(b)—Motion picture radio service	Included all frequencies in table. Renumbered limitations.
91.404(b)	90.69(c)—Motion picture radio service	Renumbered and reworded limitations except as noted for secs. 91.404(b) (2), (5), and (12).
91.404(b)(2)	90.263—Substitution of frequencies below 25 MHz	Minor rewording.
91.404(b)(5)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz.	Minor rewording. Combined with other sections.
91.404(b)(12)	90.259—Assignment of frequencies in the bands 216-220 MHz and 1427-1435 MHz.	Do.
91.405(a)	NA	Deleted.

Present section No.	Proposed section and title	Summary of changes proposed
91.405(b)	90.69(b)—Motion picture radio service	Minor rewording.
91.451	90.71(a)—Relay press radio service	Minor rewording. Combined with other sections.
91.452	90.123—Full disclosures	Combined with other sections.
91.454(a)	90.71(b)—Relay press radio service	Included all frequencies in table renumbered limitations.
91.454(b)	90.71(c)—Relay press radio service	Reworded and renumbered limitations except as noted for secs. 91.454(b)(2), (10), (11), (12), and (13).
91.454(b)(2)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.555, 27.265 and 27.275 MHz.	Minor rewording. Combined with other sections.
91.454(b)(10)	NA	Deleted.
91.454(b)(11)	90.173—(i) Policies governing the assignment of frequencies	Minor rewording.
91.454(b)(12)	90.249—Control stations	Minor rewording. Combined with other sections.
91.454(b)(13)	90.259—Assignment and use of frequencies in the bands 216-220 MHz and 1427-1735 MHz.	Do.
91.455(a)	NA	Deleted.
91.455(b)	90.71(d)—Relay press radio service	Minor rewording.
91.501	90.73(a)—Special industrial radio service	Combined with other sections.
91.502(a)	90.123—Full disclosures	Do.
91.502(b)	90.73(a)—Special industrial radio service	Incorporated into eligibility paragraph.
91.502(c)	90.83(b)—Special industrial radio service	Only change was to delete unenforceable sec. 91.502(c)(4).
91.502(d)	90.73(a)—Special industrial radio service	Minor rewording. Combined with other sections.
91.503(a)	90.243—Mobile relay stations	Combined with other sections.
91.503(b)	90.257—Assignment and use of frequencies in the band 72-76 MHz.	Minor rewording. Combined with other sections.
91.503(c)	90.73(g)—Special industrial radio service	Minor rewording.
91.504(a)	90.73(e)—Special industrial radio service	Included all frequencies in table renumbered limitations.
91.504(b)	90.73(d)—Special industrial radio service	Reworded and renumbered limitations except as noted for secs. 91.504(b)(6), (7), (8), (10), (26), (27), (28), (29), (30), (33), (34), and (36).
91.504(b)(6) and (7).	NA	Deleted.
91.504(b)(8)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz.	Minor rewording. Combined with other sections.
91.504(b)(10)	90.263—Substitution of frequencies below 25 MHz	Minor rewording.
91.504(b)(26)	90.261—Assignment and use of frequencies in the band 450-470 MHz for fixed operations.	Combined with other sections.
91.504(b)(27)	NA	Deleted.
91.540(b)(28)	90.173(i)—Policies governing the assignment of frequencies	Minor rewording.
91.504(b)(29)	90.249—Control stations	Minor rewording. Combined with other sections.
91.504(b)(30) and (36).	90.259—Assignment and use of frequencies in the bands 216-220 MHz and 1247-1435 MHz.	Do.
91.504(b)(33)	90.257—Assignment and use of frequencies in the band 72-76 MHz	Do.
91.504(b)(34)	NA	Deleted.
91.504(c)	90.73(e)(5)—Special industrial radio service	Minor rewording.
91.504(d)	90.73(e)(4)—Special industrial radio service	Do.
91.506	90.73(e)(3)—Special industrial radio service	Do.
91.551	90.75(a)—Business radio service	Minor rewording. Combined with other sections.
91.552(a)	90.75(a) Business radio service	Do.
91.552(b)	90.123—Full disclosures	Combined with other sections.
91.552(c)	90.173—Policies governing the assignment of frequencies	Minor rewording.
91.552(d)	NA	Deleted.
91.552 (f) and (g).	90.75(c)—Business radio service	Minor rewording. Included in frequency limitations.
91.553(a)	90.243—Mobile relay stations	Minor rewording. Combined with other sections.
91.553(c)	90.75(f)—Business radio service	Minor rewording.
91.554(a)	90.75(b)—Business radio service	Included all frequencies in table. Renumbered limitations.
91.554(b)	90.75(c)—Business radio service	Reworded and renumbered limitations except as noted for secs. 91.554(b)(6), (7), (8), (34), (35, (38), (45), and (48).
91.554(b) (6) and (7).	NA	Deleted.
91.554(b)(8)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz.	Minor rewording. Combined with other sections.
91.554(b)(9)	90.249—Control stations	Do.
91.554(b)(34)	NA	Deleted.
91.554(b)(35)	90.173—Policies governing the assignment of frequencies	Minor rewording.
91.554(b)(38)	90.261—Assignment and use of frequencies in the band 450-470 MHz for fixed operations.	Combined with other sections.
91.554(b) (45) and (48).	90.259—Assignment of frequencies in the bands 216-220 MHz and 1427-1435 MHz.	Minor rewording. Combined with other sections.
91.554 (c) and (d).	90.75(d)—Business radio service	Minor rewording.
91.555	90.217—Exemption from technical standards	No change.
91.556	90.75(d)—Business radio service	Minor rewording.
91.601	90.103—Radiolocation service	Minor rewording. Combined with other sections.
91.602(a)	90.123—Full disclosures	Combined with other sections.
91.602(b)	90.129(c)—Supplemental information to be routinely submitted with applications.	Minor rewording. Combined with other sections.

Present section No.	Proposed section and title	Summary of changes proposed
91.602(c)	NA	Deleted.
91.603	90.103(a)—Radiolocation service	Combined with other sections.
91.604(a)	90.103(b)—Radiolocation service	Renumbered limitations.
91.604(b)	90.103(c)—Radiolocation service	Renumbered and reworded limitations.
91.605	90.103(e)—Radiolocation service	No change.
91.606	90.103(c)(7)—Radiolocation service	Minor rewording. Combined with other sections.
91.726 and 91.727	90.79(a)—Manufacturers radio service	Combined definition and permissible communications with eligibility.
91.728(a)	90.123—Full disclosures	Combined with other sections.
91.728(b)	90.79(b)—Manufacturers radio service	Minor rewording.
91.729(a)	90.243—Mobile relay stations	Minor rewording. Combined with other sections.
91.729(b)	90.79(b)—Manufacturers radio service	Minor rewording.
91.729(d)	90.257—Assignment and use of frequencies in the band 72–76 MHz	Combined with other sections.
91.730(a)	90.79(c)—Manufacturers radio service	Included all frequencies in table renumbered limitations.
91.730(b)	90.79(d)—Manufacturers radio service	Rewording and renumbered limits except as noted for secs. 91.730(b) (3), (4), (14), (16), (17), (18), (19), and (22).
91.730(b)(3)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz.	Minor rewording. Combined with other sections.
91.730(b)(4)	NA	Deleted.
91.730(b)(14)	90.261—Assignment and use of frequencies in the band 450–470 MHz for fixed operations.	Combined with other sections.
91.730(b)(16)	NA	Deleted.
91.730(b)(17)	90.173(i)—Policies governing the assignment of frequencies	Minor rewording.
91.730(b)(18)	90.249—Control stations	Minor rewording. Combined with other sections.
91.730(b)(19) and 91.730(b)(22).	90.259—Assignment and use of frequencies in the bands 216–220 MHz and 1427–1435 MHz.	Do.
91.751	90.81(a)—Telephone maintenance radio service	Do.
91.752(a)	90.123—Full disclosures	Combined with other sections.
91.752(b) and 91.752(c).	90.81(b)—Telephone maintenance radio service	Minor rewording. Combined with other sections.
91.753	90.243—Mobile relay stations	Do.
91.754(a)	90.81(c)—Telephone maintenance radio service	Included all frequencies in table. Renumbereed limitations.
91.754(b)	90.81(d)—Telephone maintenance radio service	Rewording and renumbered limitations except as noted for secs. 91.754(b) (3), (4), (10), (12), (13), (14), (16), and (18).
91.754(b)(3)	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz.	Minor rewording. Combined with other sections.
91.754(b)(4)	NA	Deleted.
91.754(b)(10)	90.261—Assignment and use of frequencies in the band 450–470 MHz for fixed operations.	Minor rewording. Combined with other sections.
91.754(b)(12)	NA	Deleted.
91.754(b)(13)	90.173(i)—Policies governing the assignment of frequencies	Minor rewording.
91.754(b)(14)	90.249—Control stations	Minor rewording. Combined with other sections.
91.754(b)(16) and 91.754(b)(18).	90.259—Assignment and use of frequencies in the bands 216–220 MHz and 1427–1435 MHz.	Do.
93.1	90.1—Basis and purpose	Minor rewording.
93.2	90.415—Prohibited uses	Minor rewording. Combined with other sections.
93.3 and 93.4	90.183—Cooperative use	Deleted.
93.5	90.115—Ineligibility of foreign governments	Minor rewording.
93.6	90.153—Assignment of station authorization	Do.
93.7	90.7—Definitions	Deletions and additions as necessary. Minor reorganization and clarification.
93.8(a)	90.173(a)—Policies governing the assignment of frequencies	No change.
93.8(b)	90.173(g)—Policies governing the assignment of frequencies	Minor rewording.
93.8(c)	90.173(c)—Policies governing the assignment of frequencies	Do.
93.8(d)	90.257—Assignment and use of frequencies in the band 72–76 MHz	Combined with other sections.
93.8(e)	90.173(e)—Policies governing the assignment of frequencies	Minor rewording.
93.8(h)	Various services sections in the frequency limitations	Do.
93.9(a)	90.175—Frequency coordination requirements	Do.
93.9(b) and 93.9(c).	90.177—Protection of certain radio receiving locations	No change.
93.10	90.247 Mobile—repeater stations	Minor rewording. Combined with other sections.
93.50	90.147—Mailing address furnished by licensee	No change.
93.51	90.113—Station authorization required	Minor rewording.
93.52(a)	90.117—Applications for radio station authorizations	Do.
93.52 (b), (c) and (d).	NA	Deleted.
93.53	90.145—Special temporary authority	Minor rewording added an eligibility statement requirement.
93.54(a)	90.117—Applications for radio station authorization	Minor rewording. Referenced fee information.
93.54(b)	90.127(a)—Filing of applications	Minor rewording. Added Chicago filing address information.
93.54(c)	90.127(b)—Filing of applications	Minor rewording. Combined with other sections.
93.54(d)	90.139—Preliminary processing of applications	No change.
93.54(e)	90.137—Applications for operation at temporary locations	Minor rewording.

Present section No.	Proposed section and title	Summary of changes proposed
93.54(f)	90.129(e)—Supplemental information to be routinely submitted with applications.	Do.
93.55	90.125—Who may sign applications	Paragraph (c) expanded.
93.56 (a) and (b)	90.119(a)—Application forms	Minor rewording. Referenced form 1046, eliminated reference to construction permit.
93.56(d)	90.119(h)—Application forms	Minor rewording.
93.56(e)	NA	Deleted.
93.56(f)	90.119(b)—Application forms	Minor rewording.
93.56(g)	90.145—Special temporary authority	Do.
93.57(a)	90.119(c)—Application forms	Do.
93.57(b)	90.495—Chicago region	No change.
93.58	90.129—Supplemental information to be routinely submitted with applications.	Minor rewording.
93.59	90.143—Grants of applications	Do.
93.60	90.139—Preliminary processing of applications	Deleted reference of alien restrictions.
93.61	90.131—Amendment or dismissal of applications	No change.
93.62	90.155—Time in which stations must be placed in operation	Minor rewording. Deleted construction permit.
93.63	90.149—License term	Minor rewording.
93.64	90.135—Modification of license	Rewritten to specify changes requiring applications to be approved.
93.65	90.157—Discontinuance of station operation	No change.
93.67	90.497—Special provisions relating to frequency assignment in the Chicago region.	Do.
93.101(a)(1)	NA	Deleted.
93.101(a)(2)	90.253—Use of the frequency 4383.8 kHz	Combined with other sections.
93.101(b)	90.261—Assignment and use of frequencies in the band 450-470 MHz for fixed operations.	Do.
93.102	90.213—Frequency tolerance	Minor rewording. Combined with other sections.
93.103(a)	90.207(a)—Types of emission	Minor rewording. Referenced each operation with types of emission permitted.
93.103(b)	90.233—Secondary base/mobile nonvoice signaling operations	Minor rewording. Eliminated requirement for submission of coding systems.
93.103(c)	NA	
93.104	90.209—Bandwidth limitations	Minor rewording. Combined with other sections.
93.105	90.211—Modulation requirements	Do.
93.106	90.205—Power	Do.
93.107(a)	90.427—Precaution against unauthorized operation	Minor rewording.
93.107 (b), (c), (d) and (e).	90.429—Control point and dispatch point requirements	Minor rewording and rearrangement.
93.108	90.215—Transmitter measurements	Minor rewording.
93.109	90.203—Type acceptance required	Minor rewording. Combined with other sections.
93.110	....do	Do.
93.112	See various frequency tables in subpts. E and F	Extensive deletions, additions and rearrangement as necessary. Minor rewording and clarification.
93.113	90.237—Interim provisions for operation of radioteleprinter and radio-facsimile devices.	Minor rewording.
93.114	Subpart L—authorization in the band 470-512 MHz (UHF-TV sharing).	Combined with other sections.
93.116		Unnecessary.
93.120	90.239—Interim provisions for operation of automatic vehicle monitoring (AVM) systems.	Minor rewording.
93.151(a)	90.405—Permissible communications	Minor rewording. Combined with other sections.
93.151(b)	90.417—Interstation communications	Combined with other sections.
93.151(c)	90.419—Points of communications	Minor rewording. Combined with other sections.
93.151(c)(4)	90.417—Interstation communications	Combined other sections.
93.151(d)	90.403(a)—General operating procedure	Minor rewording.
93.151(e)	90.407—Communications permitted during emergency situations	Combined with other sections.
93.151(f)	90.405(c)—Permissible communications	Minor rewording. Combined with other sections.
93.151(g)	90.413—Civil defense communications in the taxicab radio services	Do.
93.152	90.425—Station identification	Reorganized. Combined with rules for public safety and industrial.
93.153	90.403—General operating requirements	Minor rewording. Combined with other sections.
93.154	90.433—Operator license requirement	Minor rewording.
93.155	90.425—Station identification	Do.
93.156	90.437—Posting station licenses	Do.
93.157	90.439—Inspection of stations	No change.
93.158	90.441—Inspection and maintenance of tower marking and associated control equipment.	Do.
93.159	90.449—Answer to a notice of violation	Minor rewording.
93.160	90.443—Content of station records	Separated and reorganized. Minor rewording.
	90.445—Form of station records	Do.
	90.447—Retention of station records	Do.
93.161	90.527—Land transportation industries communications emergency plan (LATICEP).	No change.

Present section No.	Proposed section and title	Summary of changes proposed
93.162 and 93.163.		
93.164	90.423—Operations on board aircraft	Minor rewording.
93.201	90.503—Eligibility	Do.
93.202	90.505—Showing required	Do.
93.203	507—Limitations on use	Do.
93.204(a)	90.509—Frequencies available for assignment	Do.
93.204(b)	Various land transportation radio services under additional frequencies available, or limitation on number of frequencies assignable.	Do.
93.205	90.511—Interference	Do.
93.206	90.513—Special provisions	Do.
93.207	90.515—Change or cancellation of authorization without hearing	No change except title.
93.208	90.517—Report of operation	Minor rewording.
93.251(a)	90.89(a)—Motor carrier radio service	Minor rewording. Combined with other sections.
93.251(b)	90.123—Full disclosures	Combined with other sections.
93.252	90.89 (b) and (c)—Motor carrier radio service	Placed frequencies in table form. Minor rewording of limitations.
93.253(a)	90.261—Assignment and use of frequencies in the band 450-470 MHz for fixed operations.	Minor rewording. Combined with other sections.
93.253(b)	90.257—Assignment and use of frequencies in the band 72-76.	Do.
93.253(d)	NA	Deleted.
93.253(e)	90.89(e)(2)—Motor carrier radio service	Minor rewording.
93.254	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz.	Minor rewording. Combined with other sections.
93.255	NA	Deleted.
93.351(a)	90.91(a)—Railroad radio service	Minor rewording. Combined with other sections.
93.351(b)	90.123—Full disclosures	Combined with other sections.
93.352 (a), (c), and (f).	90.91 (c) and (d)—Railroad radio service	Placed frequencies in table form. Minor rewording of limitations.
93.352(b)	90.257—Assignment and use of frequencies in the band 72-76 MHz	Minor rewording. Combined with other sections.
93.352(d)	90.249—Control stations	Do.
93.352(e)	90.91(e)—Railroad radio service	Minor rewording.
93.353(a)	90.261—Assignment and use of frequencies 450-470 MHz for fixed operations.	Minor rewording. Combined with other sections.
93.353(b)	90.257—Assignment and use of frequencies in the band 72-76 MHz	Do.
93.353(c)	90.91(c)—Railroad radio service	Included in frequency table. Minor rewording of limitation.
93.353(d)	NA	Deleted.
93.353(e)	90.91(e)(2)—Railroad radio service	Minor rewording.
93.353(f)	90.91(e)—Railroad radio service	Do.
93.355	90.243—Mobile relay stations	Relay, repeater and control uses separated under specific sections with minor rewording and clarification.
	90.245—Fixed relay stations	
	90.247—Mobile repeater stations	
	90.249—Control stations	
93.356	90.255—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz.	Minor rewording. Combined with other sections.
93.357(a)	90.91(b)—Railroad radio service	Minor rewording.
93.357(b)	90.421—Operation of mobile units in vehicles not under the control of the licensee.	Minor rewording. Combined with other sections.
93.352(c)	90.91(d)(3) and (d)(4)—Railroad radio service	Incorporated as assignment limitations on the appropriate frequencies. Minor rewording.
93.357(d)	90.91(b)—Railroad radio service	No change.
93.401(a)	90.93(a)—Taxicab radio service	Minor rewording. Combined with other sections.
93.402(b)	90.123—Full disclosures	Combined with other sections.
93.402	90.93 (b) and (c)—Taxicab radio service	Placed frequencies in table form. Minor rewording of limitations.
93.403	NA	Deleted.
93.404	90.255—Assignment and use of frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz.	Minor rewording. Combined with other sections.
93.405	90.412—Civil defense communications in the taxicab radio service	Minor rewording.
93.501(a)	90.95(a)—Automobile emergency radio service	Minor rewording. Combined with other sections.
93.501(b)	90.123—Full disclosures	Combined with other sections.
93.502(a)	90.405—Permissible communications	Minor rewording. Combined with other sections.
93.502(b)	90.95(a)—Automobile emergency radio service	Minor rewording. Combined with eligibility provisions.
93.502(c)	90.95—Automobile emergency radio service	Minor rewording.
93.503	90.95 (c) and (d)—Automobile emergency radio service	Placed frequencies in table form. Minor rewording of limitations.
93.504	90.225—Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz.	Minor rewording. Combined with other sections.
93.506	90.421—Operation of mobile units in vehicles not under the control of the licensee.	Do.

PART 91—[DELETED]

PART 93—[DELETED]

[FR Doc. 78-32535 Filed 11-21-78; 8:45 am]

Federal Register

WEDNESDAY, NOVEMBER 22, 1978
PART III



DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Administration of An Import Licensing System on Certain Dairy Product and Milk Chocolate Crumb Import Quotas

Section 22 Import Quotas; Final Rule

[3410-10-M]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

DAIRY PRODUCTS AND MILK CHOCOLATE CRUMB

AGENCY: Foreign Agricultural Service.

ACTION: Final rule.

SUMMARY: This rule revises import regulation 1 which is established under authority of section 22 of the Agricultural Adjustment Act, as amended, to govern the administration of an import licensing system on certain dairy product and milk chocolate crumb import quotas. It is intended that this rule will: (1) Provide for more fair and equitable distribution of quota shares among eligible licensees, (2) provide for more complete use of the quotas as established by Presidential proclamation, and (3) provide for greater ability to prevent abuse of the licensing system.

This revision is made in order to deal with certain enforcement and administrative problems which have appeared since the last revision of import regulation 1, which became effective on January 1, 1974.

DATES: Effective date: November 22, 1978. Applications for 1979 nonhistorical eligibility will be accepted by the Licensing Authority through but not beyond December 22, 1978.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: The proposed revision of import regulation 1, revision 5, was first published in the FEDERAL REGISTER on September 1, 1978. A 30-day public comment period ended on October 2, 1978. Written comments were received from 10 different entities. These comments, to the extent practicable, were incorporated into this final rule, import regulation 1, revision 6.

Prompt implementation of certain provisions of the revision is essential in order for 1979 nonhistorical licenses to be issued on or near January 1, 1979, as required. Potential nonhistorical licensees will be given 30 days to make application for license eligibility. Evaluation of applications, calculation of quota shares and printing and issuing of licenses normally takes about 20 working days. It is therefore found that good cause exists for not postponing the effective date of this final rule until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553).

DISCUSSION OF MAJOR COMMENTS

DEFINITION OF AFFILIATE

Five entities submitted comments expressing concern that the proposed definition of "affiliate" was too restrictive since it would, for example, disqualify an individual importer from nonhistorical license eligibility if he or she owned even one share of stock in a public corporation which already held such eligibility. In connection with this, it was suggested that the proposed requirement under § 6.25(3)(ii), that applying firms submit a list of all owners of the firm be changed. Had the proposed requirement been left intact, it would have been virtually impossible, in the case of public corporations, to develop a complete list of stock holders since the stock of such corporations is generally held in large blocks in the names of various brokerage firms.

In this final rule, the definition of "affiliate" is changed so that ownership of less than 5 percent of or by another person or firm does not constitute affiliation. It was felt that this would make it possible for a person to carry on normal investment activities which are unrelated to his or her own importing business without jeopardizing his or her nonhistorical eligibility status. Consequently, in order to satisfy the requirements of § 6.25(3)(ii), only those owners holding an ownership interest of 5 percent or more need by listed.

OTHER CHEESE, NSPF

Three of the commenting entities expressed concern that the table in § 6.26(b) of the proposed rule did not contain two categories for "Other cheese, NSPF," viz, one "from New Zealand" and one "not from New Zealand." The commentors suggested that the absence of two such categories for this quota will mean that each eligible applying firm would be allowed to have only one nonhistorical quota share for "Other cheese, NSPF." In the past it has been possible for an eligible applicant to obtain two such quota shares, one for New Zealand and the other for some country other than New Zealand. In 1978, some 60 licensees have received two such nonhistorical shares, averaging together about 36,000 pounds per licensee. Rather than continue to allow double licenses as in the past, it was felt that the most equitable approach would be to raise the "Other cheese, NSPF" nonhistorical minimum share from the proposed 20,000 pounds to 40,000 pounds. This would not only help compensate those sixty or so licensees receiving two shares, but it would put all eligible applicants on an equal footing.

SURRENDER OF QUOTA SHARES

Three of the commenting entities suggested that language be added to the regulation allowing licensees to temporarily surrender their quota shares or portions thereof to avoid penalty for nonuse of such quota shares. Consequently, language was added in appropriate places (e.g., § 6.25(c)(3); § 6.26(c)(2)) providing for such surrender. Under the regulation, less than 85 percent use of a license in a quota year can result in temporary loss of license eligibility (for nonhistorical licensees), or temporary reduction in the quota share size (for historical licensees). The purpose of this "penalty" procedure is to help insure that the quotas are allocated to persons who will use them. However, at times market conditions and/or other factors are such that it becomes virtually impossible for a particular licensee to use his or her full quota allocation. The "surrender" option gives the licensee the opportunity, when he or she recognizes that he or she will be unable to fully use his or her license, to surrender it or a part of it back to the Department prior to the beginning of the last quarter of the quota year for distribution among other eligible applicants. Since the licensee in following this procedure will, in effect, be giving others an opportunity to try to fill his or her quota share, any penalty for nonuse that he or she may receive will be based only on his or her nonuse of the portion of his or her quota share which he or she did not surrender under this provision.

ALLOCATION OF NEW OR INCREASED PORTIONS OF OLD QUOTAS

Two entities submitted comments expressing concern about the proposed rule regarding the allocation of new quotas or increased portions of old quotas. They stated that a 50-50 division of increased portions of old quotas between historical and nonhistorical licensees would be unfair to historical licensees holding shares of quotas which have not been significantly increased during the many years since such quotas were established.

In recognition of this, an adjustment was made in the regulation, allowing for further growth in the quotas for Blue-mold and Italian-type cheeses before the 50-50 (historical-nonhistorical) rule goes into effect. The quotas for these two groups of cheese (TSUS

items 950.07, 950.10, and 950.10A) have been increased only marginally (not at all in the case of item 950.10A) since the quotas were established, giving the historical licensees virtually no opportunity to increase their business in these varieties for many years. It was felt, therefore, that historical licensees for these quotas should be given greater opportunity to increase their business before new-to-the-market firms begin to share in the increases on an equal basis.

CERTIFICATION REQUIREMENTS AND ALLOCATION PROCEDURES

One commenting entity expressed concern about the differences in nonhistorical certification requirements and allocation procedures between the various groups of quotas. In the proposed rule, such requirements and procedures for the cheese quotas were different from those for the other quotas. It was originally thought that certification requirements could be less exacting for the noncheese quotas since they are either so small as to be of little interest to most nonhistorical importing firms or, as with the milk chocolate crumb quotas, seemed not to have been in much demand in recent years. During the comment period, however, it was brought to our attention that some potential importers are quite interested in obtaining nonhistorical eligibility for milk chocolate crumb licenses and would greatly prefer the stability previously proposed only for nonhistorical cheese licensees, wherein those who have nonhistorical licenses and maintain their eligibility from year to year will get first priority in allocation from year to year (see § 6.26(b)(2) of this final rule). The apparent strong demand for nonhistorical shares of the milk chocolate crumb quotas, which demand is enhanced by the relative assurance of a license each year for those who maintain eligibility, has lead to the conclusion that the certification requirements for these quotas should be as strict as those for cheese quotas. Since this would leave these aspects of the regulation different for only the noncheese and nonchocolate dairy product quotas it was felt that for the sake of clarity and uniformity the same certification requirements and allocation procedures would be used for all articles listed in appendix 1.

COUNTRY OF ORIGIN ADJUSTMENT

One commenting entity pointed out that the policy used for the past several years when authorizing country of origin adjustments on the group II (appendix 1 of the regulation) cheeses may not have given "due account," as required by the original proclamation (No. 3019 of June 8, 1953) as well as by article XIII, 2(d) of the General Agreement on Tariffs and Trade (GATT), to "special factors which may have affected or may be affecting the trade in the product." Specifically, the policy has been that whenever a country of origin adjustment was authorized for any of the quotas for which no countries were listed in part 3 of the appendix to the tariff schedule of the United States (TSUS) (e.g., items 950.05 Butter, 950.07 Blue-mold cheese, 950.08A Cheddar cheese, 950.08B American-type cheese other than Cheddar, 950.09A Edam and Gouda cheese and 950.10 Italian-type cheese in original loaves), the Licensing Authority authorized licensees for the adjusted quota to use their licenses only in those countries actually supplying the product during the chosen representative base period. The commentor, however, pointed out that the "special factors" language of the original proclamation includes changes in relative productive efficiency as between domestic and foreign producers, or as between different foregin producers. The commentor then contended that such changes have occurred since the quotas in question were established and that, therefore, when the Licensing Authority finds it proper to grant a country of origin adjustment on licenses for such quotas, such licensees should be allowed to use their licenses, for the temporary period involved, in any country which can supply rather than being restricted to only those countries which did in fact supply during the representative base period.

The language under § 6.30, Adjustments of countries of origin, was, as a result, changed to reflect a change in adjustment policy. It allows for country of origin adjustments on the quotas with no supplying countries specifically listed in part 3 of the appendix to the TSUS to be made on a global basis. In addition, the specific list of countries under "Other countries" for butter, Cheddar cheese, and American-type cheese other than Cheddar, were deleted from appendix 1 of the regulation. This gives "Other countries" a uniform meaning throughout appendix 1.

MINIMUM NONHISTORICAL QUOTA SHARE FOR MILK CHOCOLATE CRUMB

One commenting entity pointed out that a minimum nonhistorical quota share set at 50,000 pounds, as shown in the table under § 6.26(b)(1) of the proposed revision, presents a very difficult situation to the licensee in the modern age of containerized shipping. Since one container normally holds about 40,000 pounds and since the milk chocolate crumb licenses will be divided into two parts, as nearly equal as practicable, issued 6 months apart, with a minimum annual allocation of 50,000 pounds, a licensee may have to wait until the second half of the quota year before he or she would be authorized to import a full container load. Even if a licensee waited until the second half of the quota year so as to import a full container load, there would still be about 10,000 pounds left in his or her license (assuming it was issued at the minimum). Such amount would have to be imported at perhaps significantly higher shipping rates to prevent loss of license eligibility, since importing only 40,000 of a 50,000 pound quota share would result in less than an 85 percent quota use rate (see § 6.25(c)(3) of this final rule). An 80,000 pound minimum will allow for two containerized entries of 40,000 pounds each, one in the first half and one during the last half of the quota year.

In response to this comment, the minimum nonhistorical share for the milk chocolate crumb quotas was increased to 80,000 pounds.

PROCEDURE FOR HANDLING LICENSES

It was pointed out by the U.S. Customs Service that the proposed revision, like the revisions done in the past, does not contain specific instructions on how Customs is to handle the import licenses. Although approximately 80 percent of the entries covered by the regulation have normally been made at the ports of New York and Philadelphia, where the Customs officers are very familiar with the operating procedures desired by the Licensing Authority, there are numerous other ports where entries are made where Customs officers may not be as familiar with the regulation or the procedures used in administering it.

In order to avoid confusion and misunderstanding at these ports, § 6.27 spells out in greater detail the procedures for handling of licenses by Customs.

PERMANENT SURRENDER OF HISTORICAL ELIGIBILITY

Licensees may have historical shares of a quota which could be smaller from year to year than the nonhistorical minimum for the same quota. It was concluded, therefore, that the option of switching from historical to nonhistorical eligibility should be given to such licensees. Therefore, a provisions was added (see § 6.25(c)(4)) making it possible for a historical licensee to voluntarily surrender his or her historical eligibility and receive in exchange nonhistorical eligibility.

EFFECTIVE DATE

This rule becomes effective on November 22, 1978. Applications for 1979 nonhistorical eligibility will be accepted by the Licensing Authority through but not beyond December 22, 1978.

In 7 CFR Part 6, Subpart—Section 22 Import Quotas, §§ 6.20-6.32 and appendix 1 are revised to read as follows. Section 6.33 is removed.

Sec.
6.20 Determination.
6.21 Definitions.
6.22 Prohibitions and restrictions on imports.
6.23 Exceptions.
6.24 Application for license.
6.25 Eligibility.
6.26 Allocation of annual quota and issuance of licenses.
6.27 Use of licenses.
6.28 Records and inspection.
6.29 Suspension or revocation of eligibility.
6.30 Adjustment of countries of origin.
6.31 Delegation of authority.
6.32 Supersedure of import regulation 1, revision 5.

APPENDIX 1—Articles subject to import regulation 1, revision 6, and annual import quotas for each year.

§ 6.20 Determination.

Part 3 of the appendix to the Tariff Schedules of the United States, which contains the quantitative limitations on certain articles imported into the United States proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624) provides that articles which are listed in appendix 1 to this regulation may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture and only in accordance with the terms of such license. It is further provided that such licenses shall be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in (a) the equitable distribution of the respective quotas for such articles among importers or users and (b) the allocation of shares of the respective quotas for such articles among supplying countries based upon the proportion supplied by such countries during previous representative periods, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned and that no licenses will be issued which will permit any of the cheeses, substitutes for cheese, or milk chocolate crumb to be entered during the first 6 months of a quota year in excess of one-half of the annual import quotas specified for such articles. It is hereby determined that the regulation will, to the fullest extent practicable, accomplish this result.

§ 6.21 Definitions.

Except where the context otherwise requires, the following terms have the meanings set forth in this section:

(a) "Affiliate" means any person or legal entity which owns or is owned by, in total or in part, directly or indirectly, or controls or is controlled by another person, persons or legal entity. For a corporation, ownership interest will be the controlling criterion. If 5 percent or more interest is owned or controlled in a corporation, partnership, estate, or trust by or for a person, a corporation, a partnership, or a beneficiary of an estate or a trust, the interest will be considered as owned or controlled by the person, partnership, corporation, estate, or trust. If any person or legal entity has an option to acquire stock, such stock will be considered as controlled by such person. For purposes of this regulation, an option to acquire such an option, and each one of a series of such options, will be considered as an option to acquire such stock.

(b) "Annual quota" means the quantity of an article which may be entered in a quota year as provided in appendix 1.

(c) "Appendix 1" means appendix 1 to this regulation. Definitions of articles in this appendix are the same as those provided in the Tariff Schedules of the United States.

(d) "Article" means an item referred to in appendix 1.

(e) "Authorized agent" means an agent as used in 19 CFR 141.31(a) for whom the licensee has filed with the district director of Customs a limited power of attorney using Customs form 5291 authorizing such agent to act for, but only in, the licensee's name.

(f) "Basic annual allocation" refers to historical quota shares only and means the quota share of a licensee for an article before any reduction as authorized under § 6.26(c) has been effected. It will be calculated on the basis of the annual average amount entered by a licensee during the appropriate representative base period shown in appendix 1.

(g) "Country of origin" and/or "supplying country" mean the country in which the article subject to the regulation was produced or manufactured as defined under 19 CFR 134.1(b).

(h) "Date of entry" is the date when the specified Customs entry form is properly executed and deposited, together with estimated duties and any related documents required by law or regulation to be filed with such form at the time of entry, with the appropriate Customs officer.

(i) "Department" means the U.S. Department of Agriculture.

(j) "Eligible applicant" means a person applying for a license to enter an article who has established, to the satisfaction of the Licensing Authority, eligibility to enter such article, in accordance with section 6.25.

(k) "Enter" means to make entry, or withdrawal from warehouse, for consumption by deposit with, and acceptance by, the appropriate Customs officer of the properly executed entry documents, including invoices, bills of lading, and payment of estimated duties.

(l) "Entire dairy products business" and/or "entire milk chocolate crumb business" mean the total assets and operations of the foreign and domestic aspects of a business pertaining to articles subject to the provisions of this regulation.

(m) "Entrepreneurial use" means the processing or sale of the article entered pursuant to the license as a part of the ordinary conduct of business by a licensee who is managing and assuming the risk of such business. Such term does not include one who is functioning as a mere supplier of license.

(n) "Increased portion of an already established quota" means the amount by which the quota set forth in appendix 1 for an article is increased by Presidential proclamation after (effective date).

(o) "Licensee" means any person to whom a license has been issued under the regulation.

(p) "Licensing Authority" means the Director, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture and any other officer or employee of the Department designated in writing as Acting Director in the absence of the Director.

(q) "Newly established quota" is a quota established pursuant to section 22 by Presidential proclamation after (effective date).

(r) "Other countries" refers to countries sharing a common quota which are not listed as having separate quotas in appendix 1, and for the purposes of the regulation is deemed as one country of origin.

(s) "Person" includes any individual, firm, corporation, partnership, association, or other legal entity. It also includes any government (other than the Government of the United States and any agency thereof).

(t) "Pricebreak" means the price determined in accordance with 3(a)(v) of part 3 of the appendix to the Tariff Schedules of the United States.

(u) "Quota share" means that part of the annual quota of an article listed in appendix 1 for which a person is eligible.

(v) "Quota year" means the 12-month period beginning on January 1 of any given year.

(w) "Regulation" means the provisions contained in the licensing regulation of this subpart.

(x) "United States" means the customs territory of the United States, which is limited to the United States, District of Columbia, and Puerto Rico.

§ 6.22 Prohibitions and restrictions on imports.

(a) No person may enter or cause to be entered any article listed in appendix 1, except as provided in § 6.23 or as authorized by a license issued pursuant to the regulation.

(b) A person to whom a license has been issued hereunder is not relieved from compliance with any requirement of the regulation or any other applicable laws and regulations.

§ 6.23 Exceptions.

Licenses are not required for the entry of:

(a) Articles imported by or for the account of any agency of the U.S. Government.

(b) Articles with an aggregate value of not over $25 in any shipment, if imported as samples for taking orders, for the personal use of the importer, or for research.

(c) Articles imported for exhibition, display, or sampling at a trade fair, or for research, if written approval of the Licensing Authority is obtained.

§ 6.24 Application for license.

Applications to the Licensing Authority for the issuance of licenses to enter articles must be made in writing, addressed to the Head, Dairy and Import Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. Each letter of application must state the article (including type, in the case of cheese), the country of origin of the article, the port of entry at which the article is to be entered, and, in the case of nonhistorical licenses or licenses for portions allocated under paragraph (f) of § 6.26, the size of each quota share desired. Unpostmarked applications will not be approved by the Licensing Authority.

§ 6.25 Eligibility.

(a) *Historial eligibility.* Historical eligibility for licenses to enter a quota share of articles subject to quotas in effect as of November 22, 1978, has been determined. Historical eligibility for any new quotas which may be imposed will be established upon the basis of evidence submitted, satisfactory to the Licensing Authority, of entry during the base period of articles subject to such quotas, together with evidence that the applicant or his or her predecessor-in-interest is or was actively operating an individual business of entering such article for his or her own entrepreneurial use.

(b) *Nonhistorical eligibility.* (1) Any person, who is not eligible under paragraph (a) of this section to receive a license to enter a particular article in appendix 1, or has voluntarily surrendered such eligibility, who meets the requirements of this paragraph, will be eligible to obtain a license to enter a quota share of such article.

(2) Eligibility for specific articles listed in appendix 1 will be established upon submission of:

(i) A notarized certification sworn to by the applicant under penalty of perjury stating that: (A) Such person intends to be regularly engaged, during the period covered by the license(s) for which application is made, in the business of entering such articles and for this purpose will maintain a bona fide business office within the customs territory of the United States and have a person, principal or resident agent upon whom service of judicial process may be made; (B) such person intends to use any article entered pursuant to a license obtained hereunder in actual commerce and, when required will submit proof demonstrating the use to which licenses and the articles entered pursuant thereto have been made; (C) such person is not a part of or an affiliate of the business of any other person eligible for a license for the article(s) for which application for license is made, and is not an officer, member, partner, associate, or employee of such business;

(ii) A list of the person(s) holding an ownership interest of 5 percent or more in the applying firm (if other than an individual) showing the percent of ownership held by each such person, and;

(iii) In addition, in the case of application for license(s) to enter any article(s) under groups II through VI (cheese), documentary evidence that such person has made at least two commercial importations of cheese or cheese products together totaling at least 10,000 pounds, as owner of the product and importer of record, during the quota year preceding that for which application for license is being made, including, when required, proof of payment in said person's own name for the said cheese or cheese products and corresponding duties.

(3) Evidence and certification required to establish the nonhistorical eligibility of a person making application to receive a quota share for a given quota year will not be accepted by the Licensing Authority before August 1 or later than November 1 preceding the quota year for which the license to import is requested, except as may otherwise be provided by notice published in the FEDERAL REGISTER.

(4) Notwithstanding subparagraph (3) of this paragraph, evidence and certification required to establish nonhistorical eligibility for the 1979 quota year will be accepted by the Licensing Authority until (30 days after the date of publication in the FEDERAL REGISTER of the revision).

(c) *Continuation of eligibility.* (1) The historical eligibility of a person to receive a license for a quota share established under paragraph (a) of this section will be continued for subsequent quota years unless suspended or revoked pursuant to § 6.29: *Provided,* That, effective with the 1979 quota year, no such licenses will be issued to any licensee unless such licensee, no later than 60 days prior to the beginning of each subsequent quota year submits to the Licensing Authority a notarized certification sworn to by the licensee under the penalty of perjury stating that such licensee has been the sole user of said historical license(s), that such licensee has not permitted said historical license(s) to be used by or for any other person, that such licensee has not entered any article(s) under license(s) issued to any other person(s), and that such licensee will enter only for his or her own entrepreneurial use the articles for which he or she will be issued license(s) during the next year.

(2) The nonhistorical eligibility of a person established under paragraph (b) of this section to enter a quota share of an article listed in appendix 1 for a particular quota year will expire at the end of such quota year. Eligibility for each ensuing year, if desired, must be established as outlined in paragraph (b) of this section.

(3) Any nonhistorical licensee who fails to enter at least 85 percent of a quota share of any article for which a license has been issued under paragraph (b) of this section for a given year will be ineligible to receive a license for such article in the next quota year unless such licensee notifies the Licensing Authority by no later than October 1 of the quota year for which his license is valid, of his intention to enter less than 85 percent of his quota share and surrenders to the Licensing Authority that portion of the quota share which he or she does not intend to use. If, after surrendering a portion of a nonhistorical quota share of an article, a licensee fails to import 85 percent or more of the unsurrendered portion of the quota share, such licensee will be ineligible to receive a license to import a quota share of such article in the next quota year, unless the licensee establishes that he or she was unable to enter such article due to reasons acceptable to the Licensing Authority.

(4) A historical licensee may elect to permanently surrender his historical eligibility for a given article and receive a nonhistorical quota share for the same article in the next quota year. If done, said licensee's nonhistorical eligibility will be deemed to have been in effect in the year preceding the year for which nonhistorical application is made, giving said licensee the

priority accorded under § 6.26(b)(2) (ii) and (iv) below.

(d) *Transfer of eligibility.* Upon receipt of documentary evidence acceptable to the Licensing Authority that the entire dairy products business and/or milk chocolate crumb business of a person who has established historical eligibility for a quota share has been sold or otherwise transferred (a complete transfer of total assets, binding on all parties-in-interest) to a person who is assuming the operation of the entire business involving dairy products and/or milk chocolate crumb, the Licensing Authority will recognize the successor-in-interest as having eligibility for such quota share: *Provided, however,* That, in the event of the merger of the businesses of two or more persons, the successor-in-interest, with the persons or firms for which said person is successor-in-interest and said person's affiliates, will be considered only as one person for the purpose of determining nonhistorical eligibility for quota shares.

§ 6.26 Allocation of annual quota and issuance of licenses.

(a) *Historical licenses.* Subject to paragraph (c) of this section, an eligible historical licensee will receive his or her basic annual allocation plus a prorated share of the portion derived from temporary reductions of historical quota shares (done under paragraph (c) of this section) of other historical licensees for the same article. The quantity of an article entered during the base period by a person who is not, as of the beginning of a quota year, actively operating an independent business of importing such articles will, for the purposes of determining the quota shares of eligible licensees, be deemed to have been entered by said person's successor-in-interest, if any, recognized by the Licensing Authority, who is actively operating such business as of the beginning of the quota year.

(b) *Nonhistorical licenses.* (1) The annual quotas, less the quantities allocated to historical licensees, will, to the extent practicable, be allocated among eligible nonhistorical applicants. Subject to paragraph (b)(2)(ii) of this section, the minimum annual nonhistorical quota share for each article will be as follows:

Article	TSUS Item No.	Minimum Quantity (Pounds)
Dried Buttermilk and Whey	950.01	2,500
Dried Skimmed Milk	950.02	5,000
Dried Whole Milk	950.03	1,000
Dried Cream	950.04	250
Butter	950.05	1,000
Blue-mold cheese	950.07	5,000
Cheddar cheese	950.08A	10,000
American-type cheese	950.08B	10,000
Natural Edam and Gouda cheese	950.09A	7,000
Processed Edam and Gouda cheese	950.09B	5,000
Italian-type cow's milk cheese in original loaves	950.10	5,000
Italian-type cow's milk cheese in other than original loaves	950.10A	5,000
Swiss or Emmenthaler cheese with eye formation	950.10B	10,000
Swiss or Emmenthaler cheese other than eye formation, "Gruyere-Process"	950.10C	10,000
"Other" cheese, NSPF	950.10D	40,000
"Other" cheese, "Low Fat"	950.10E	10,000
Malted milk	950.11	250
Milk chocolate crumb	950.15	80,000
Milk chocolate crumb, "Low Fat"	950.16	80,000

(2) A nonhistorical quota share will be determined on the following basis:

(i) A person with his or her affiliate(s) will be considered only as one person for the purpose of allocation of nonhistorical quota shares. No more than one quota share of each article in appendix 1 will be allocated to any such eligible person.

(ii) If, after applications for nonhistorical eligibility for a quota year have been evaluated, the Licensing Authority determines that the number of eligible applicants who held a nonhistorical license for an article in appendix 1 during the previous quota year exceeds the number which could be issued a quota share at the minimum quantity set forth above, the Licensing Authority will determine the quota shares by dividing the amount available by the number of such eligible applicants.

(iii) If the Licensing Authority determines that the number of eligible applicants for a quota year who held a nonhistorical license for an article during the previous year plus the number of eligible applicants who did not hold a nonhistorical license for such article during such year is less than the number which could be issued a quota share at the minimum quantity, the Licensing Authority will determine the quota shares by dividing the amount available by the number of such eligible applicants.

(iv) If the number of eligible applicants for a quota year who held a nonhistorical license for an article during the previous year plus the number of eligible applicants who did not hold a nonhistorical license for such article during such year exceeds the number which could be issued a quota share at the minimum quantity, the Licensing Authority will first issue quota shares at the minimum quantity to each of the eligible applicants who held such a nonhistorical license during the previous year, and then issue quota shares to eligible applicants who did not hold such a nonhistorical license during the previous year until all available quota shares are issued, the latter being selected on the basis of the date and time of postmark of the application received pursuant to § 6.24 of the regulation.

(3) Subject to subparagraph (2)(ii) of this paragraph, quota shares for an article may not be smaller than the applicable minimum quantity set forth

above unless requested in writing by the applicant, but in no case shall the quota share be greater than the quantity requested by the applicant.

(c) *Temporary reduction of historical quota share.* (1) Subject to provisions of paragraph (f) of this section, the historical quota share for any article in appendix 1, which is not entered by its holder at the rate of 85 percent or more during each of the preceding 2 quota years will be reduced in the following quota year. Such reduced historical quota share will be equal to one half of its basic annual allocation or the amount actually entered against it in the previous year, whichever is greater: *Provided*, That (i) once such reduced quota share has been established, the quota share of the licensee in each of the following quota years will be no less than 110 percent of the amount entered against such quota share during the quota year immediately preceding; (ii) once a reduced quota share has again reached or exceeded 85 percent of the basic annual allocation, the quota share will be restored to 100 percent of the basic annual allocation.

(2) Notwithstanding the above, a licensee may, before October 1 of a quota year, voluntarily surrender without penalty that portion of a historical quota share which he or she does not intend to use. Any temporary reduction of a historical quota share will be based on the percentage used of the portion of such quota share which was not voluntarily surrendered before October 1 of each of the preceding 2 quota years.

(d) *Licenses.*—(1) *Annual basis.* Licenses to import quota shares of articles under group I of appendix 1 may be issued on an annual basis.

(2) *Semiannual basis.* Quota shares of articles under groups II through VII will be divided into two parts, as nearly equal as practicable, each to be covered by a license valid on the first day of January and the first day of July respectively: *Provided*, That no licenses will be issued which would permit the importation of any such article during the first 6 months of the quota year in excess of one-half the annual quota therefor.

(e) *Advance against next period license.* Notwithstanding any other provision herein, any person eligible for and holding a license to import a quota share of any article may be given an advance against his or her next period license (this may apply to the succeeding quota year if a license is to be forthcoming in that year) in order to permit importation of an additional quantity of such article, upon a determination by the Licensing Authority that not to grant the advance against said person's next period license would result in an undue hardship to such person: *Provided*, That no advance may be given which would permit the total quantity of such article to be imported in excess of the quota therefor, as set forth in appendix 1.

(f) *Reallocation of quota shares.* (1) Notwithstanding any other provisions of this regulation, to the extent that, prior to the last 4 months of a quota year, it appears from information submitted to the Licensing Authority or otherwise, that all or part of a quota share of a particular licensee will not be entered during that quota year, the Licensing Authority may require such licensee to submit in writing within a specified 21 day period a statement as to the amount of the unused portion of such quota share which will be used during the remainder of such quota year. In addition, such licensee may be required to submit copies of contracts, purchase orders or any other documentary evidence of intent to import against such quota share. If the licensee fails to submit such statement (including documentary evidence if requested) within the specified period, the Licensing Authority may conclude that the unused portion of the quota share in question will not be used during the remainder of said quota year. On the basis of said statement, or if no statement is submitted, the Licensing Authority may reallocate all or part of the unusued portion of such quota share.

(2) To the extent that the quota shares or portions thereof are surrendered by such licensees for articles during a quota year, the quota shares for other licensees will be increased for such year as follows:

(i) Reallocation will be made among applying historical licensees for such articles (whose quota shares for such articles have not been reduced in accordance with paragraph (c) of this section) on the basis of the amounts requested by the applicants, unless the aggregate of the amounts requested exceeds the portion of the quota available for reallocation, in which case reallocation will be based on the respective amounts of such articles entered by such licensees during the previous 2 quota years. However, no applicant may receive more than the amount he or she requests.

(ii) If, after a surrendered quota share is reallocated among licensees who hold a nonreduced historical license for such quota and apply for a portion of the reallocation, unallocated quantities of the quota still remain, such quantities may be allocated to other interested, but not affiliated, applicants who have historical or nonhistorical eligibility for any quota under the regulation for the remainder of the quota year in question. Quota shares allocated to such other applicants under this provision will be made in equal amounts of not less than 2,500 pounds each; except in the case of quota items 950.04 (dried cream) and 950.11 (malted milk), which will be allocated in equal shares of not less than 250 pounds each; except that no applicant will receive more than the amount requested in his or her application.

(3) Application for a reallocated portion will be made in accordance with § 6.24.

(4) Any temporary reduction in a historical quota share (in accordance with paragraph (c) of this section) will be based on the percentage used of the portion of such quota share which was not surrendered for reallocation during the preceding 2 quota years.

(g) *Allocation of newly established quotas and increased portions of already established quotas, and reduction of existing quotas.* (1) No more than 50 percent of any newly established quota or increased portion of any already-established quota, which quota has been increased by at least 100 percent since its institution, may be allocated to eligible historical licensees. The remaining portion will be allocated to eligible nonhistorical licensees.

(2) Any increase of an already established quota which quota has not been increased by 100 percent since its institution, will be divided between historical and nonhistorical licensees with historical licensees receiving no more than 75 percent of the increase until the quota will have been increased sufficiently to fall within subparagraph (g)(1) of this section.

(3) To the extent possible, any reduction in an existing quota will be absorbed at the rate of 50 percent by historical licensees and 50 percent by nonhistorical licensees.

§ 6.27 Use of licenses.

(a) The article entered must be a product of the country of origin specified in the license under which it is entered.

(b) Subject to § 6.30, a quota share may be imported from only one country of origin.

(c) Notwithstanding any other rules, regulations, or procedures for the importation of goods, the article entered under license may be entered or withdrawn from warehouse only in the name of the licensee either by the licensee or by the licensee's agent acting in the licensee's name under the power of attorney, and the quantity so entered must, on the date of entry, be owned by the licensee and must be charged against the license in effect. The article entered under license must be accompanied by an invoice from a seller in the country of origin and a through bill of lading to the United States from the country of origin named in the license: Provided, That the requirement for a through bill of lading may be waived by the Licensing Authority upon his or her determination that compliance therewith, during periods of strikes, lockouts, or other such emergencies affecting the importation of articles would interfere with the entry of such article.

(d) In the event of a sale in transit, an article may be entered for consumption under a license issued to an authorized person to whom the sale has been made against a properly endorsed through bill of lading and a certified copy of the bill of sale from the original consignee showing the amount paid, the date of purchase, and that the licensee is the owner of the article at such time.

(e) In the event of the loss of the original through bill of lading, a carrier's certificate showing the licensee as consignee and certifying that the shipment is a through shipment may be substituted therefor.

(f) An article may be entered from warehouse under bond only in the manner prescribed above for consumption entries. Withdrawal of goods from warehouse for consumption may be made only under license issued to the licensee who made the entry; or, in the event of a sale in bond, under license issued to an authorized person or firm to whom the sale has been made and only upon the presentation of a properly endorsed Customs form 7505 and a certified copy of the bill of sale, showing the amount, date of sale, and that the licensee is the owner of the article at such time.

(g) Consolidated entries or withdrawals from warehouse for consumption may not be made except with the written approval of the Licensing Authority.

(h) Each entry or withdrawal from warehouse for consumption must be accompanied by a copy of Customs entry form 7501 or Customs warehouse withdrawal form 7505 (with the appropriate license number noted on it), required through bill of lading and required invoice. The Customs Service will stamp the copy of the completed form 7501 or 7505 with the date of entry and the Customs entry or withdrawal number and submit it to the Licensing Authority as soon as practicable.

(i) The Customs copy of a licensee's license is the only valid copy against which entry for consumption may be made. Such license copy, unless recalled by the Licensing Authority, will remain in Customs custody until fully used or expired, whereupon it will be returned by the Customs Service to the Licensing Authority.

§ 6.28 Records and inspection.

Any person making an entry, except as provided in § 6.23, of an article listed in appendix 1 is required to retain all records, including invoices of all purchases, entries, withdrawals, sales and deliveries of such articles for a period of not less than 2 years subsequent to the end of the quota year during which entry was made. The Licensing Authority or his or her designee is entitled to make such audit and inspection of such records, to inspect the premises and stocks of articles of such person, and to make such other investigations as may be necessary or appropriate in the enforcement or administration of the regulation.

§ 6.29 Suspension or revocation of eligibility.

(a) *Failure to import quota share.* (1) If the Licensing Authority has reason to believe that a person with a historical quota share of any article in appendix 1, has failed to enter any of such article for 2 consecutive quota years, the eligibility of such person for a license to enter such article will be suspended for the following quota year pending receipt by the Licensing Authority of documentary evidence of entry against such quota share during one or both of said consecutive years or unless the reason for failure to enter is acceptable to the Licensing Authority and an application to receive a license to import such article is received and approved by the Licensing Authority no later than 6 months after the beginning of such following quota year.

(2) If the Licensing Authority, on the basis of documentary evidence submitted to it, determines that a person with a historical quota share of any article in appendix 1 has failed to import any of such article during 2 consecutive years, the eligibility of such person will be revoked unless the licensee establishes that he or she was unable to import such article due to reasons acceptable to the Licensing Authority.

(b) *Violations of the regulation*—(1) *Charge against licenses.* Any quantity of an article entered by any person contrary to this regulation may be charged against any unused import license held by, or to be issued to, such person.

(2) *Civil and criminal liability.* Any person who violates any provision of the regulation may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or enjoin any violation of any provision of the regulation or requirement pursuant hereto.

(3) *Revocation of license eligibility.* The Licensing Authority, upon reasonable cause to believe—after records are reviewed and a preliminary investigation is made by the Department—that a licensee has violated the provisions of the regulation or has furnished false or incomplete information in connection with the application for and/or use of licenses issued hereunder, may, after notice to the licensee, revoke said licensee's eligibility and may bar such person from receiving any nonhistorical licenses for a period of not more than 3 years. Any person whose eligibility has been revoked pursuant to provisions of this section will have the opportunity to appeal the determination to the Administrator, Foreign Agricultural Service (FAS), or his designee within 30 days from the date of notification. The request for reconsideration will be presented in writing separately stating any reason as to why such determination should not stand. The Administrator, FAS will provide such person with an opportunity for a hearing on such matter.

§ 6.30 Adjustment of countries of origin.

(a) Upon submission by a licensee of proof satisfactory to the Licensing Authority that said licensee will be unable to enter during a quota year his quota share of an article from the country of origin specified in his license, the Licensing Authority or his designee may authorize the licensee and other licensees to whom such licenses have been issued, after taking due account of any special factors which may have affected or may be affecting the trade in the article concerned, to obtain the unfilled portion of his quota share of such article from:

(i) Other countries specified in part 3 of the appendix to the Tariff Schedules of the United States as countries of origin for such article; or

(ii) Any other country of origin whenever countries of origin for such article are not specified.

§ 6.31 Delegation of Authority.

The powers vested in the Administrator, FAS, insofar as such powers relate to the functions vested in the

Licensing Authority by the regulation are hereby delegated to the Licensing Authority.

§ 6.32 Supersedure of Import Regulation 1, Revision 5.

This regulation will supersede the provisions of import regulation 1, revision 5, as amended, heretofore in effect (former 7 CFR §§ 6.20-6.33). With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning import regulation 1, as amended and revised, prior to the effective date hereof, all provisions of said import regulation 1, as amended and revised, in effect at the time when such violations occurred, rights accrued, liabilities incurred, or appeals taken will be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

Signed this 17th day of November 1978.

THOMAS R. HUGHES,
Administrator,
Foreign Agricultural Service.

[3410-10-C]

Subtitle A--Office of the Secretary of Agriculture

Appendix I-Article[1] subject to Import Regulation 1, Revision 6, and Annual Import Quotas for each Quota Year

Article [1] by TSUS item numbers	Base Period [2]	Annual import quota (pounds)	Equivalent whole Kilograms
Group I			
(a) Butter (Item 950.05)	Jan. 1, 1961 to Dec. 31, 1965	707,000	320,693
New Zealand		332,000	150,594
Denmark		212,000	96,162
Other countries		163,000	73,936
(b) Dried Cream (Item 950.04)	Jan. 1, 1951 to Dec. 31, 1952	500	226
(c) Malted milk (Item 950.11)	July 1, 1951 to June 30, 1952	6,000	2,721
(d) Dried whole milk (Item 950.03)	July 1, 1951 to Dec. 31, 1952	7,000	3,175
(e) Dried skimmed milk (Item 950.02)	July 1, 1950 to Aug. 8, 1951	1,807,000	819,649
(f) Dried buttermilk and whey (Item 950.01)	Jan. 1, 1951 to Dec. 31, 1952	496,000	224,984
Group II: [3]	Jan. 1, 1948 to Dec. 31, 1950 [4]		
(a) Edam and Gouda cheese (Item 950.09A)		9,200,400	4,173,275
(b) Blue-mold cheese (except stilton), and cheese and substitutes for cheese containing or processed from Blue-mold cheese (Item 950.07)		5,016,999	2,275,695
(c) Italian-type cheeses made from cow's milk, in original loaves. Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrina (Item 950.10)		11,500,100	5,216,411
Group III: [3]	Jan. 1, 1961 to Dec. 31, 1965		
(a) Cheddar cheese, and cheese and substitutes for cheese containing or processed from Cheddar cheese (Item 950.08A)		8,812,500	3,997,323
Australia		1,696,150	769,368
Canada		612,352	277,761
Ireland		562,250	255,034
New Zealand		5,502,498	2,495,916
Sweden		130,850	59,353
Other countries		308,400	139,889
(b) American-type cheese, including Colby washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese (Item 950.08B)		6,096,600	2,765,399
Australia		1,680,000	762,043
Ireland		560,000	254,014
New Zealand		3,360,000	1,524,086
Sweden		125,000	56,699
Other countries		371,600	168,556
Group IV: [3]	Jan. 1, 1965 to Dec. 31, 1967		
Cheese and substitutes for cheese containing, or processed from Edam and Gouda cheese (Item 950.09B)		3,151,000	1,429,284
Denmark		1,714,000	777,465
Ireland		331,000	150,140
Netherlands		169,000	76,657
Norway		368,000	166,923
West Germany		513,000	232,695
Other countries		56,000	25,401

See footnotes at end of table.

Subtitle A - Office of the Secretary of Agriculture

Group V:[3] Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price[5] under $1.10 per pound. Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses.	Jan. 1, 1967 to Dec. 31, 1967		
	Jan. 1, 1970 to Dec. 31, 1970		
(a) Swiss or Emmenthaler with eye formation (Item 950.10B)		20,420,000	9,262,451
Austria		8,222,000	3,729,474
Denmark		3,396,000	1,540,415
Finland		6,111,000	2,771,931
Norway		1,672,000	758,414
Switzerland		269,000	122,017
West Germany		292,000	132,450
Netherlands		210,000	95,255
Israel		60,000	27,215
Other countries		188,000	85,276
(b) Other than Swiss or Emmenthaler with eye formation (Item 950.10C)		11,242,000	5,099,337
Austria		1,406,000	637,757
Denmark		3,435,000	1,558,105
Finland		1,606,000	728,476
Switzerland		2,234,000	1,013,335
West Germany		1,818,000	824,639
Ireland		210,000	95,255
Norway		82,000	37,194
Portugal		275,000	124,739
Other countries		176,000	79,833
(c) Cheese and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat), and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedule of the United States (Item 950.10D)	Jan. 1, 1967 to Dec. 31, 1967		
	Jan. 1, 1970 to Dec. 31, 1970		
		40,730,000	18,475,006
Belgium		469,000	212,737
Denmark		16,820,000	7,629,501
Finland		1,239,000	562,006
France		2,882,000	1,307,266
Iceland		649,000	294,384
Ireland		161,000	73,029
Netherlands		422,000	191,417
Norway		356,000	161,480
Poland		2,064,000	936,224
Sweden		1,707,000	774,290
Switzerland		215,000	97,523
United Kingdom		496,000	224,984
West Germany		2,148,000	974,326
New Zealand		7,556,000	3,427,379
Canada		2,670,000	1,211,104
Portugal		227,000	102,966
Austria		199,000	90,265
Italy		17,000	7,711
Israel		145,000	65,771
Other countries		288,000	130,635
(d) 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,	July 1, 1969 to June 30, 1970		

See footnotes at end of table.

Subtitle A - Office of the Secretary of Agriculture

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 (Item 950.10E)	8,901,000	4,037,467
Denmark	6,680,000	3,030,028
United Kingdom	791,000	358,795
Ireland	756,500	343,146
West Germany	100,000	45,359
Poland	385,600	174,907
Australia	123,600	56,064
Iceland	64,300	29,166
Other countries	None	None
Group VI:[3] Jan. 1, 1965 to Dec. 31, 1967		
Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz), and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (Item 950.10A)	1,494,000	677,673
Argentina	1,347,000	610,995
Italy	104,500	47,400
Australia	13,700	6,214
Other countries	28,800	13,063
Group VII:[3]		
(a) Chocolate provided for in item 156.30, of part 10, schedule 1, if containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection) (Item 950.15) Jan. 1, 1965 to Dec. 31, 1967	17,000,000	7,711,149
Ireland	9,450,000	4,286,491
United Kingdom	7,450,000	3,379,297
Netherlands	100,000	45,359
Other countries	None	None
(b) 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	4,680,000	2,122,834
United Kingdom	930,000	421,845
Ireland	3,750,000	1,700,988
Other	None	None

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1 Each time a particular TSUS Item No. is referred to in this appendix it includes all the articles classified under that item number in Part 3 of the Appendix to the Tariff Schedules of the United States except where specifically otherwise provided in the article description.

2 Importers of record during following periods have historical eligibility; each importer's quota share is prorated on basis of his historical imports from each country of origin. For TSUS Items Nos. 950.10B, 950.10C, and 950.10D each importer's quota share is a combination of his quota share determined for the respective cheese priced under 47 cents per pound (1967 base period) and a quota share determined on the basis of imports of the respective cheese priced from 47 cents to 62 cents per pound during the 1970 base period.

3 Annual quota allocated 2 time annually on January 1 and July 1 of each quota year.

4 Importer's allocation based on 1950 imports or base period averages, whichever are higher.

5 "Purchase price," in accordance with headnote 3(a)(iii) of Part 3 of the Appendix to the Tariff Schedules of the United States, is determined by the District Director of Customs on the basis of the aggregate price received by the exporter, including all expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, but excluding transportation, insurance, duty and other charges incident to bringing the merchandise from the place of shipment from the country of exportation to the place of delivery in the United States.

(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 (9 U.S.C. 1202))

[FR Doc. 78-32804 Filed 11-21-78; 8:45 am]

Federal Register

WEDNESDAY, NOVEMBER 22, 1978
PART IV



DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

INTERIM RULE TO PERMIT CLASSIFICATION OF CERTAIN POWERPLANTS AND INSTALLMENTS AS EXISTING FACILITIES

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

SUBCHAPTER E—ALTERNATE FUEL

[Docket No. ERA-R-78-21]

PART 515—TRANSITIONAL FACILITIES

Interim Rule To Permit Classification of Certain Powerplants and Installations as Existing Facilities

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Interim rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing interim rules, effective upon publication, to implement certain provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") which permits ERA to classify certain major fuel burning installations and powerplants which began substantial construction or acquisition after April 20, 1977, and before November 9, 1978, as existing facilities under terms of this Act. A public comment period and hearing will follow publication of these interim rules. Final decisions and classifications under these interim rules will not be made until completion of the public hearing and public comment period.

DATES: Procedures under these interim regulations are effective November 16, 1978. Comments on issues set forth in Section II below are due on or before January 15, 1979, in Docket No. ERA-R-78-21. Requests to speak by December 5, 1978, 4:30 p.m.; hearing date: December 13, 1978, 9:30 a.m.

ADDRESSES: Send comments and requests to speak to: Department of Energy, Public Hearing Management, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Docket No. ERA-R-78-21. Hearing location: Room GE-086, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street NW., Washington, D.C. 20461, 202-634-2170.

Stephen M. Stern (Regulations and Emergency Planning), Economic Regulatory Administration, Department of Energy, Room 6010, 2000 M Street NW., Washington, D.C. 20461, 202-254-9766.

Barton House (Fuels Regulation—Program Office), Economic Regulatory Administration, Department of Energy, Room 6128I, 2000 M Street NW., Washington, D.C. 20461, 202-254-3905.

James Heffernan (Office of General Counsel), Department of Energy, Room 6144, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9266 or 566-9296.

SUPPLEMENTAL INFORMATION:

I. Background
II. Specific Comments Requested
III. Comment Procedures
IV. Procedural Matters and Forms

Background

Title II of the Act prohibits "new" powerplants and installations from using oil and natural gas, unless granted an exemption by DOE, and prohibits "new" powerplants from constructing without alternate fuel capability. The Act classifies all powerplants and installations which began construction or acquisition after April 20, 1977, as "new."

However, the Act also permits ERA to classify certain installations for which construction or acquisition began between April 20, 1977, and November 9, 1978 (enactment date), as "existing" and, therefore, subject to the provisions of title III rather than those of title II of the Act.

II. Specific Comments Requested

The Act classifies transitional facilities as "new" units unless the petitioner can demonstrate that such a classification would result in a substantial financial penalty for an installation or powerplant, or would result in a significant operational detriment to an installation or in an impairment of the electric system reliability for a powerplant. We are soliciting public comment on the criteria to be used by ERA in classifying a transitional facility as "existing," and specifically on the issues described below.

A. *Eligibility.* ERA proposes different tests to identify "existing" powerplant and installation field-erected boilers. Under these tests, "substantial construction" does not occur for these powerplants until the unit is operational, while the "substantial construction" standard is satisfied for installations when the main steam drum has been formed by the manufacturer.

Similarly, for packaged boilers and combustion turbines, ERA proposes that the substantial construction standard is met when the unit is delivered to the site. ERA is also considering, as an alternative, that these units must be "hooked up" for operation before "substantial construction" may be said to have been completed.

B. *Substantial financial penalty.* In assessing whether a firm will incur a substantial financial penalty if its transitional facility is classified as a "new" unit, ERA has proposed that a test be employed which compares the nonrecoverable outlays made for the transitional facility by the date of enactment to the construction expenditure for a comparable sized coal-fired unit. We specifically ask comments whether the "25 percent test" for installations is appropriate and whether some other test is appropriate. In calculating parameters for this test, ERA has proposed that elements considered be limited to the outlays for the boiler and/or combustion turbine, steam turbine, specified fuel handling equipment, and air pollution control equipment. ERA is also considering an alternative approach whereby additional factors such as land, labor, engineering, and other related costs would be included in these calculations. Please comment on which equipment, facilities, and other factors should be included in this calculation and which should not, as well as your perception of any difference in the outcome of the test which may occur as a result of using one standard or the other. Moreover, ERA solicits comment on its case-by-case approach to powerplants where nonrecoverable outlays (excluding a set percentage of the cost of a comparable sized coal unit), the impact on the rate base, and the status of the unit's construction are evaluated in determining whether a "substantial financial penalty" would be incurred.

C. *Significant operational detriment.* In its assessment of whether an installation will incur a significant operational detriment if categorized as "new," ERA proposes to use as one of its criteria a load shifting test. In this test, a petitioner must demonstrate that if a transitional unit which was operational on the date of FUA's enactment were immediately shut down, the necessary steam output from the unit could not be provided by other, existing units at the site without a loss of more than 5 percent of the historic steam production level. If this test is retained, what maximum capacity factor should be established for any of the existing units in order to leave a proper margin for maintenance and contingencies? ERA is also considering an alternative approach to this determination which simply places the burden upon the applicant to demonstrate to us, in whatever manner is most appropriate, that being classified as "new" would impair production. This alternative approach is not further detailed in these regulations; however, ERA requests comments on the merit and structure of this approach.

ERA has proposed that the existence of "substantial mitigating circumstances" also be used as criteria for the "significant operational detriment" test for installations. In the interim rule, we have enumerated a number of situations which we would consider as substantial mitigating circumstances. Please comment on whether these factors are appropriate and whether there are any additional factors which you believe ERA should consider in reviewing applications.

D. *Operational status.* The proposed rules do not, for the most part, differentiate between transitional facilities which were operational by November 9, 1978, and those which were not. However, we are considering reducing the administrative burden as to small transitional facilities by imposing a lesser reporting requirement on installations which have a heat input rate of 100 to 150 million Btu's/hour and which were operational on or before April 20, 1978. We specifically request comments on the appropriateness of the 150 million Btu/hour level, whether some other date should be used, or whether any reduced reporting requirement is advisable. In this regard, we particularly request information on the number and type of these small facilities that were operational on April 20, 1978, the amount of oil or gas which might be saved if they were determined to be new, and the administrative burden imposed on users if they were required to file the full petition with ERA for determining whether they are existing facilities.

III. Comment Procedures

A. *Written comments.* ERA invites you to participate in this proceeding by submitting data, views or arguments with respect to the issues set forth in this interim rule. Comments should be submitted to the address indicated in the "Addresses" section of this preamble and should be identified on the outside envelope and on documents submitted with the designation "Transitional Facilities," Docket No. ERA-R-78-21. You should submit fifteen copies. All comments received will be available for public inspection in the DOE Reading Room GA-152, James Forrestal Building, 1000 Independence Avenue SW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. We will consider all comments received by January 15, 1979, 4:30 p.m.

You should identify separately any information or data you consider to be confidential and submit them in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat them according to our determination.

B. *Public hearing.* 1. *Request procedure.*—The time and place for the hearing is indicated in the "Dates" and "Addresses" section of this preamble. If necessary to present all testimony, the hearing will be continued at 9:30 a.m. of the next business day following the first day of the hearing.

You may write to request an opportunity to speak at the hearing. Provide a phone number where we may contact you through the day before the hearing. Since we may have to limit the number of speakers, you should be prepared to describe your interest in this proceeding, and why you are a proper representative of a group or class or persons that has such an interest, and to give a concise summary of your proposed oral presentation.

We will notify each person selected to be heard before 4:30 p.m., December 8, 1978.

2. *Conduct of the hearing.* We reserve the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. We may limit the time allotted each speaker, based on the number of persons who ask to be heard.

We will designate a DOE official to preside at the hearing, which will not be judicial or evidentiary-type in nature. Only those conducting the hearing may ask questions. DOE will base its decisions on all of the information available at the time of the hearing. At the conclusion of all initial oral statements, each speaker will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. You may submit questions to be asked of any speaker. Such questions must be submitted to the address indicated above for requests to speak, 3 days before the hearing. If you wish to ask a question at the hearing, you may submit it, in writing, to the presiding officer. We will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing. We will have a transcript of the hearing made and we will retain the entire record of the hearing, including the transcript, and make it available for inspection at the DOE Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

IV. Procedural Matters and Forms

The regulations set forth below are being adopted as interim rules, effective immediately, but will be reviewed and may be revised after a public hearing is held and comments are received and analyzed.

Draft transitional facility forms to be filed with your petition requesting classification of a unit as an existing facility may be obtained from the Office of Public Information, Economic Regulatory Administration, Room B-110, 2000 M Street NW., Washington, D.C. 20461, 202-634-2170. In requesting these forms, you should designate whether your transitional facility is a powerplant or an installation. Technical information regarding these forms may be obtained by calling Alfred C. Metz at 202-254-5436.

A regulatory analysis of the regulations set forth below, as contemplated by Executive Order No. 12044, is contained within the regulatory analysis of the regulations regarding new facilities proposed on November 9, 1978, 43 FR 53974 (November 17, 1978). In addition, a draft Environmental Impact Statement (DEIS) has been prepared pursuant to the National Environmental Policy Act (NEPA). Both the draft regulatory analysis and the EIS may be obtained from the ERA, 2000 M Street NW., Room B-110, Washington, D.C. 20461, 202-634-2170.

(Department of Energy Organization Act, Pub. L. 95-96; Powerplant and Industrial Fuel Use Act; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, a part 513 is added to subchapter E of chapter II, Title 10 of the Code of Federal Regulations which is titled "Alternate Fuels", effective November 16, 1978.

Issued in Washington, D.C., November 16, 1978.

David J. Bardin,
Administrator, Economic Regulatory Administration.

1. Subchapter D of chapter II, Title 10, is entitled "Alternate Fuels."

2. A new part 515 is added to subchapter B, to read as follows:

PART 515—TRANSITIONAL FACILITIES

Subpart A—General Provisions

Sec.
515.1 Policy.
515.2 Purpose and scope.
515.3 Criteria for electric powerplants.
515.4 Criteria for major fuel burning installations.
515.5 Evidence in support of the petition.

Subpart B—Definitions

515.10 Definitions.

Subpart C—Administrative Provisions

515.20 Purpose and scope.

515.21 Notice of petition, public comment.
515.22 Conferences.
515.23 Appearance before the ERA.
515.24 Computation of time.
515.25 Extension of time.
515.26 Service.
515.27 Subpoenas; witness fees.
515.28 General filing requirement.
515.29 Effective date of orders.
515.30 Order of precedence.
515.31 Addresses for filing documents with ERA.
515.32 Office of public information.

Subpart A—General Provisions

§ 515.1 Policy.

(a) The language of the Fuel Use Act (FUA) is clear that facilities (units) for which substantial acquisition or construction had not begun as of April 20, 1977, are presumed to be classified as "new" unless you can prove to the Economic Regulatory Administration (ERA) that certain conditions exist. The date of April 20, 1977, is significant because that is the time at which the National Energy Act, containing the policy that electric powerplants and major fuel burning installations should use alternate fuels in lieu of petroleum and natural gas, was submitted to Congress and placed before the public.

(b) If you commenced acquisition or construction of your facility between April 20, 1977 and November 9, 1978 (the date of FUA's enactment), your facility is considered "new" under the Act unless you petition ERA to be classified as "existing" no later than 15 days after the effective date of these final regulations. If ERA determines that your facility meets the criteria for eligibility in § 515.3(a) or 515.4(a) below, your units will be categorized a "transitional facility" pending ERA's determination.

(c) ERA bases the criteria for eligibility as a transitional facility on the principle that if you had not engaged in a substantial and meaningful commitment to build a unit prior to April 20, 1977, you should have cancelled, rescheduled, or modified your unit and planned to burn an alternate fuel instead of petroleum or natural gas. This means, for example, that even if you had contracted for your unit prior to April 20, 1977, but had not engaged in substantial construction by that date, ERA will consider your facility as "new" unless your petition to be classified an existing facility is granted. Correspondingly, if you signed the contract for your unit after April 20, 1977, but had not engaged in substantial construction prior to November 9, 1978, your unit is automatically designated a "new" facility and will not be considered by ERA as a transitional facility.

(d) In determining whether you have engaged in substantial construction, ERA has attempted to weigh the different time requirements and construction procedures for building electric powerplants and major fuel burning installations, as well as the different construction practices in building various types of units (e.g., combustion turbines, combined cycles, packaged boilers, and field-erected boilers). Accordingly, ERA proposes a separate standard for each of these categories in setting its criteria for determining if "substantial construction" has occurred.

(e) If your unit meets the criteria of a transitional facility, you may petition to have that unit classified as an "existing" facility. Your petition must demonstrate to ERA's satisfaction that you will incur (1) A substantial financial penalty or (2) a significant operational detriment (for installations) or an impairment of reliability (for powerplants) if ERA declines to designate your unit an "existing facility."

(f) The "substantial financial penalty" test applies to both electric powerplants and major fuel burning installations. Because all transitional facilities are presumed by the Act to be "new" and the legislation requires new facilities to construct with alternate fuel firing capability, ERA concludes that the true financial penalty associated with complying with that requirement becomes significant where the nonrecoverable outlays that would be incurred as of November 9, 1978, as a result of cancelling, rescheduling, or redesigning the unit results in a substantial increase to the cost of a coal-fired unit. ERA proposes that this increase is substantial for installations when the additional capital required reaches 25 percent of the outlay for a comparable sized coal-fired unit. A similar test is used for powerplants, but ERA does not propose a set percentage at this time. Due to the different financial and economic factors affecting powerplants, ERA proposes to assess additional considerations, including the potential impact upon the rate base and the status of the powerplant construction.

(g) If your transitional facility is a powerplant, and the cancellation, rescheduling, or modification results in your electric region's reserve margin falling below 20 percent during the delay in construction, DOE will conclude this to be an adverse effect on electric system reliability and will designate the affected facility an "existing facility."

(h) If your transitional facility is a major fuel burning installation, your unit will be designated "existing" if you demonstrate to ERA that you would incur a "significant operational detriment." You can make this demonstration by satisfying either of the two criteria.

(i) First, you must demonstrate that there are substantial mitigating circumstances regarding your situation. ERA will review petitions of this nature on a case-by-case basis.

(ii) Second, if your transitional unit was operational on November 9, 1978, ERA may classify it as "existing" if you can demonstrate that, if you immediately ceased operating your transitional unit, you could not maintain 95 percent of your historic production level by increasing the steam output of other, existing units at the site.

(i) ERA believes that the approaches to assessing "significant operational detriment" described above will achieve the national objective of maximizing our replacement of petroleum and natural gas with alternate fuels while reducing disruptive short-term impacts on production and employment.

§ 515.2 Purpose and scope.

(a) *Application.* This part applies to all "transitional facilities." A transitional facility means a powerplant or major fuel burning installation on which substantial construction or acquisition began between April 20, 1977, and November 9, 1978, the date of enactment of the Powerplant and Industrial Fuels Use Act ("FUA") of 1978.

(b) *Purpose.* These rules and procedures are interim regulations governing petitions requesting the reclassification of transitional facilities by the Economic Regulatory Administration ("ERA"). These petitions should request a determination that your installation or powerplant be classified as an "existing" facility subject to the provisions of title III of FUA (which govern ERA-initiated prohibitions against the use of natural gas or petroleum and the exemptions from these prohibitions), rather than as a "new" facility subject to the provisions of title II of FUA (which govern statutory prohibitions against the use of natural gas or petroleum and the exemptions from these prohibitions).

(c) *ERA Determinations.* Based upon the criteria set forth below and after thorough consideration of the entire administrative record of your petition, ERA will publish in the FEDERAL REGISTER a formal decision either: (1) Granting the petition, having determined that the installation or powerplant is "existing," or (2) denying the petition, having determined that the installation or powerplant is "new." This determination is a final Departmental action.

§ 515.3 Criteria for electric powerplants.

(a) *Eligibility.* You are eligible to submit a petition to ERA to have your unit classified as an "existing facility" if you can demonstrate to the satisfaction of ERA that:

(1) A contract for the purchase or construction of the transitional facility was executed on or after April 20, 1977, and

(i) A *prefabricated packaged boiler or a combustion turbine* was delivered to the site on or before November 9, 1978; or

(ii) A *field erected boiler* was operational on or before November 9, 1978; or

(iii) A *combined cycle unit* had its packaged boiler delivered to the site or the main steam drum of its field erected boiler in place on or before November 9, 1978; or

(2) A contract for the purchase or construction of the transitional facility was executed prior to April 20, 1977, and

(i) *A prefabricated packaged boiler or combustion turbine* was not delivered to the site on or before April 20, 1977; or

(ii) *A field erected boiler* was not operational prior to April 20, 1977; or

(iii) *A combined cycle unit* did not have its packaged boiler delivered to the site or the main steam drum of its field erected boiler in place prior to April 20, 1977.

(b) *Reaching a determination.* ERA will grant a petition designating an eligible powerplant as "existing" if you can demonstrate you will incur either of the following:

(1) *Substantial financial penalty*—You must demonstrate that the financial penalty you would incur if your transitional facility is not redesignated "existing" is substantial. You must address, and ERA will consider in making its determination, the following factors:

(i) The nonrecoverable outlays you would incur by cancelling, rescheduling, or modifying your transitional facility to burn an alternate fuel compared to the capital expenditures required to construct a comparable sized coal fired boiler. ERA limits the capital expenditures it will include under the test to the outlay for the boiler, and/or combustion turbine, steam turbine, specified fuel handling equipment, and air pollution control equipment, exclusive of such factors as land, labor, engineering, contingency, and specified equipment facilities and site construction costs;

(ii) The impact of the nonrecoverable outlays upon the rate base; and

(iii) The status of the construction of the transitional facility and of the site at which it is located.

(2) *Impairment of reliability.*—You must prove that the reserve margin of the electrical region in which the transitional facility is located would be reduced to less than 20 percent during the period of the delay.

§ 515.4 Criteria for major fuel burning installations.

(a) *Eligibility.* You are eligible to submit a petition to ERA to have your unit classified as an "existing facility" if you can demonstrate to the satisfaction of ERA that:

(1) A contract for purchase or construction of the transitional facility was executed on or after April 20, 1977, and

(i) *A prefabricated packaged unit or combustion turbine* was delivered to the site on or before November 9, 1978; or

(ii) *A field erected unit* had its main steam drum formed on or before November 9, 1978; or

(iii) *A combined cycle unit* had its packaged boiler delivered to the site or the main steam drum of its field erected boiler formed on or before November 9, 1978.

(2) A contract for purchase or construction of the transitional facility was executed prior to April 20, 1977, and

(i) *A prefabricated packaged unit or combustion turbine* was not deliverd to the site on or before April 20, 1977; or

(ii) *A field erected unit* did not have its main steam drum formed on or before April 20, 1977; or

(iii) *A combined cycle unit* did not have its packaged boiler delivered to the site or the main steam drum of its field erected boiler formed prior to April 20, 1977.

(b) *Reaching a determination.* ERA will grant a petition designating an eligible installation as "existing" if you can demonstrate you will incur either of the following:

(1) *Substantial financial penalty*—You must demonstrate that the nonrecoverable outlays you would incur by cancelling, rescheduling, or modifying your transitional facility to burn an alternate fuel would be equal to or greater than 25 percent of the capital expenditure that will be required by you to construct a comparable sized coal-sized fired unit. (ERA limits the expenditures it will include under this test to the outlay for the boiler and/or combustion turbine, steam turbine, specified fuel handling equipment, and air pollution control equipment, exclusive of such factors as land, labor, engineering, contingency, and specified equipment, facilities, and site construction costs).

(2) *Significant operational detriment.* (i) *Substantial mitigating circumstances.*—ERA may designate a transitional facility as an "existing" facility if you can prove that there are substantial mitigating circumstances. These circumstances may include, but are not limited to, the:

(A) Extent of construction and anticipated startup date;

(B) Anticipated annual capacity utilization factor, as well as seasonal or other variations in use;

(C) Potential impact of the loss of production which could not be rescheduled elsewhere;

(D) Potential impact on employment, to include the number and type of jobs lost, the duration, and whether such jobs may be absorbed elsewhere within your parent company.

(ii) *Load shifting by transitional facilities operational by November 9, 1978.* ERA may designate a transitional facility which had commenced operations on or before November 9, 1978, an "existing" facility if you can prove that you would be unable to maintain 95 percent of your historic steam production level if you immediately ceased operating your transitional facility and increased the steam output of other, existing units at the site.

§515.5 Evidence in support of the petition.

(a) You must submit a separate petition, in writing, and signed by the duly authorized officer of the owner of the installation or powerplant, regardless of the fact that more than one unit may be colocated at a single site. Your petition must include:

(1) For substantial financial penalty, significant operational detriment and impairment of reliability criteria: (i) Copies of all contracts concerned with the purchase and construction of the transitional facility, to include the purchaser's design specifications contained in those contracts and (ii) a complete description of the transitional facility, if not included as a part of the contracts; (2) For substantial financial penalty, significant operational detriment, impairment of reliability criteria: (i) A certified statement of the date of delivery of the packaged boiler or combustion turbine unit (single or combined cycle operation), or (ii) a certified statement of the date that the field erected main steam boiler drum was formed (for installations or in place (for combined cycle units at powerplants), or (iii) the date at which the field erected boiler (for powerplants) became operational. Certification must be made by both the duly authorized officer of the owner of the installation or powerplant and the duly authorized officer of the boiler or turbine manufacturing or engineering firm;

(3) For substantial mitigating circumstances of the significant operational detriment criteria: a status report of the site construction, to include:

(i) Major components delivered to the site;

(ii) Foundation work completed;

(iii) Building structure work completed;

(iv) On site component assembly completed;

(v) Schedule of milestones leading to completion;

(vi) Anticipated date transitional facility will be placed in service; and

(vii) Dated photographs indicating progress and current status of construction;

(4) For impairment of reliability criteria for powerplants: (i) A description of the electric region and the interconnections with other utilities; (ii) projections of peakload for the electric region during the period of the delay caused by the cancellation or redesign of the unit to provide alternate fuel firing capability; (iii) the net dependable electrical capacity and energy resources including interconnections, and (iv) the electric region's reserve margin after the date the powerplant commences the sale or exchange of electric power;

(5) For substantial financial penalty criteria: (i) An accurate and reliable description of all modifications necessary to the design and construction of this facility to enable it to be capable of using alternate fuel as its primary energy source; and (ii) an estimate of the costs associated with such modifications to include descriptions of the site of which this facility will be located;

(6) For substantial financial penalty criteria: (i) A description of a comparable sized coal-fired facility and (ii) the costs associated with the design and construction of such a facility, including the boiler, coal handling equipment, air pollution control equipment, and all other necessary equipment for the comparable facility, as well as (iii) a description and plot plan of the site at which this facility will be located;

(7) Significant operational detriment (substantial mitigating circumstances) criteria: If the construction of this facility has been completed, provide the present operational status of the facility;

(8) For significant operational detriment criteria: (i) Expected operating capacity of the unit and (ii) the planned or actual hours of operation;

(9) For significant operational detriment criteria for installations: (i) The pounds of steam that the transitional facility will be expected to provide on an annual basis and during the peak requirement if the unit is a boiler; and (ii) the maximum number of Btu's heat input per hour that will be used for the unit on an annual basis and during the peak requirement, if the unit is a combustion turbine;

(10) For significant operational detriment criteria: A list of all other units at the same site as the transitional facility that can physically provide energy for the same function as does the transitional facility, regardless of the other commitments for that energy. For each unit listed, provide (i) The identification number of the unit, (ii) the annual steam output peak pounds per hour required, (iii) design specifications if the unit is a boiler; or (iv) the annual and peak number of Btu's per hour heat input and the design heat input if the unit is a combustion turbine;

(11) Any other relevant factors that you feel ERA should consider in reaching its determination.

Subpart B—Definitions

§ 515.10 Definitions.

(a) This subpart defines certain terms which are unique to this part 515, Transitional Facilities. Other definitions are provided in § 500.2.

(b) Throughout this subpart, the "Act" or "FUA" means the Powerplant and Industrial Fuel Use Act of 1978.

(c) Unless otherwise expressly provided, for purposes of this part, the term: "Acquisition" means the physical delivery of a unit to the site and does not include mere transfer of title or ownership.

"Comparable size coal unit" means a coal-fired unit which will provide energy output equal to the output capacity of the transitional facility.

"Construction" means substantial physical onsite construction of an electric powerplant or major fuel burning installation which constitutes more than clearance of a site, provision of access or installation of foundation pilings.

"Facility" means an electric powerplant or major fuel burning installation.

"Formation of main stream drum" means when the drum plate has been pressed or rolled, the drum seams welded, and the stubs and nozzles welded to the drum.

"Historic steam production level" means the average annual energy output of the transitional facility and of other, existing units which can physically provide the same energy function, excluding unscheduled outages, as that provided by the transitional facility.

"Impairment of reliability" means any delay caused by termination or redirection of the construction of your electric powerplant to provide alternate burning capability during which the overall electric region's reserve margin will be less than 20 percent. The reserve margin percentage is computed by subtracting the normal peak load expected during the delay from the system's total capability, including the additional capacity that will be available through interconnections, and dividing the result by the projected normal peak load during such delay.

"Nonrecoverable outlays" are those nonreimbursable expenditures you have made or were required to make for your transitional facility, as of November 9, 1978, as a result of cancellation or modification. The following items are to be credited against any nonrecoverable outlays.

(1) Reimbursements from selling or salvaging equipment or facilities associated with the petroleum-gas boiler system;

(2) Funds expended for equipment or facilities which could be used in the construction or operation of alternate fuel boiler system; and

(3) The value of equipment or facilities which can be used elsewhere by the owner or operator of the powerplant or installation.

"Operational" means that a unit is used and useful, has completed its testing phase and is producing a product or providing a service on a continuing basis.

Subpart C—Administrative Provisions

§ 515.20 Purpose and scope.

This subpart establishes the general procedures that are applicable to this part.

§ 515.21 Notice of petition, public comment.

When ERA receives your properly filed petition under this part, it will publish a notice in the FEDERAL REGISTER. ERA will provide in the notice a period of no less than 21 days for interested persons to file written data, views or arguments.

§ 515.22 Conferences.

(a) You may file with your petition a written request for a conference with ERA regarding your petition. The request must be addressed to the Office of the Assistant Administrator for Fuels Regulation, Room 6128, 2000 M Street NW., Washington, D.C. 20461. The ERA in its discretion will decide whether to hold a conference.

(b) Actual notice of the time, place, and nature of the conference will be provided to the person who requested the conference. ERA will determine who may attend a conference, but a conference will generally include only the representative of the person requesting the conference, Government representatives, and other persons requested by the person requesting the conference.

(c) When ERA convenes a conference in accordance with this section, any person invited may present views as to the issue or issues involved. You may submit documentary evidence at the conference. Such evidence will be treated as if submitted in the regular course of a hearing. ERA will not normally have a transcript of the confer-

ence prepared but may do so at its discretion. However, a summary of major points discussed will be prepared by ERA and placed in the public record with confidential material extracted.

(d) Because a conference is solely for the exchange of views incident to a proceeding, ERA will not prepare a transcript, issue a final report or finding unless ERA in its discretion determines that it would be advisable.

§ 515.23 Appearance before the ERA.

(a) A person may make an appearance and participate in any proceeding described in this part on his own behalf or by a duly authorized representative. Any petition filed by a duly authorized representative must contain a statement by such person certifying that he is a duly authorized representative. Falsification of such certification will subject such person to the sanctions stated in 18 U.S.C. 1001 (1970).

(b) ERA may deny, temporarily or permanently, the privilege of participating in proceedings or conferences, including oral presentation, to any individual who is found by ERA:

(1) To have made false or misleading statements, either orally or in writing;

(2) To have filed false or materially altered documents, affidavits or writings.

(3) To lack the specific authority to represent the person seeking an ERA action; or

(4) To have disrupted or to be disrupting a proceeding.

§ 515.24 Computation of time.

(a) *Days.* (1) When ERA computes time in days under these regulations, ERA will not include the day of the act (or default) from which a period of time begins to run. ERA will include the last day of the period, unless it is a Saturday, Sunday or Federal legal holiday, in which case the period runs until the end of the next weekday that is not a Federal legal holiday.

(2) ERA shall exclude Saturdays, Sundays or intervening Federal legal holidays from its computation of time when the period of time allowed or prescribed in the regulations is 7 days or less.

(b) *Additional time after service by mail.* Whenever DOE serves by mail an order, notice, interpretation or other document, specifying a time period for you to perform an act, refrain from performing an act, or commence a proceeding, you may add 3 days to the period prescribed.

§ 515.25 Extension of time.

ERA may provide an extension of time to file if you can show good cause for the extension.

§ 515.26 Service.

(a) DOE will serve all orders, notices, interpretations or other documents which it is required to serve, personally or by certified mail unless otherwise provided in these regulations.

(b) ERA will consider service upon your duly authorized representative to be service upon you.

(c) Service by certified mail is effective upon mailing. ERA will consider official United States Postal receipts from certified mailing as prima facie evidence of service.

§ 515.27 Subpoenas; witness fees.

(a) *Issuance.* The Administrator of ERA, or his duly authorized agent, may sign and issue subpoenas either on his own initiative or upon your request, where you are a participant in that hearing. You must support your request for a subpoena by an adequate showing that the information you seek will materially advance the proceeding.

(b) *Witness attendance; production of documents.* A subpoena may require the attendance of a witness, and/or the production of documentary or other tangible evidence in the possession or under the control of the person served, or both.

(c) *Service.* A Subpoena may be served personally or by registered or certified mail. If a subpoena is served personally, it may only be served by a person who is not an interested person in the proceeding and is not less than 18 years of age. For purposes of this paragraph, you are an "interested person" if you are participating directly in the proceeding with respect to which the subpoena is issued.

(2)(i) ERA will serve a subpoena by delivering a copy of it to the person named in the subpoena.

(ii) ERA will tender fees for one day's attendance and mileage as specified in paragraph (d) of this section, with the subpoena. If ERA issues the subpoena at the request of any officer or agency of the United States, however, ERA will not tender the fees for mileage at the time of service.

(iii) ERA will deliver a copy of the subpoena and any fees to a natural person by—

(A) Handing them to the person;

(B) Leaving them at the person's office with the person in charge of the office;

(C) Leaving them at the person's dwelling or the usual place of abode with a person of suitable age and discretion who resides there;

(D) Mailing them to the person by registered mail, to his last known address; or

(E) Any method that provides the person with actual notice.

(iv) ERA will deliver a copy of the subpoena and any fees to a person, other than a natural person by—

(A) Handing them to a registered agent of the person;

(B) Handing them to any officer, director, or agent in charge of any office of such person;

(C) Mailing them to the last known address of any registered agent, officer, director, or agent in charge of any office of the person by registered or certified mail; or

(D) Any method that provides any registered agent, officer, director, or agent in charge of any office of the person with actual notice and the fees are made available prior to the return date.

(v) If you have offices and operations in more than one jurisdiction, you may notify ERA in writing if you wish to designate one address to which any subpoena may be served.

(3) The Office of the Assistant Administrator for Fuels Regulations will retain the original subpoena together with a certificate of service.

(d) *Fees.* If you are subpoenaed by ERA, you will be paid the same fees and mileage as would be paid to a witness in a proceeding in the District Courts of the United States. The person requesting the subpoena will pay these fees and mileage, except that ERA may pay the fees and mileage when, in its judgment—

(1) The presence of the subpoenaed witness will materially advance the proceeding; and

(2) The person who requested the subpoena would suffer a serious hardship if required to pay the fees and mileage.

(e) *Petition to quash or modify.* (1) If you are a person to whom a subpoena is directed, you may apply prior to the time specified for compliance in the subpoena, but not more than 10 days after the date of service of the subpoena, to the Administrator of ERA, to quash or modify the subpoena. You must include in your petition a brief statement of the reasons you rely on.

(2) The Administrator of ERA, or his duly authorized representative may—

(i) Summarily deny your application;

(ii) Quash or modify the subpoena; or

(iii) Condition the denial or grant of your petition upon the satisfaction of certain just and reasonable requirements.

(3) While the Administrator of ERA or his duly authorized representative is considering your petition to quash or modify a subpoena, you may petition the Office of the Assistant Administrator for Fuels Regulation to stay your obligation to comply with the subpoena.

(f) *Enforcement.* If you refuse to obey a subpoena, ERA may request the Attorney General to seek the aid of the District Court of the United States for any district in which you are found to compel you, after notice, to appear to give testimony, and/or to appear and produce any subpoenaed documents before ERA.

§ 515.28 General filing requirements.

(a) *Where to submit.* You must file your petition with the ERA at the address provided in section 515.31.

(b) *When to submit.* You must submit your petition under the provisions of this part no later than 14 days after the effective date of the final rules.

(c) *Completed filing.* (1) Your petition is considered to be filed when it has been accepted by ERA. If for any reason your petition is not acceptable, ERA will notify you within 42 days from the date of receipt of any deficiencies or defects contained in your petition.

(2) If ERA requests other documents or additional information from you these will be considered to be filed upon receipt, unless ERA advises you to the contrary within a reasonable time.

(d) *Signing and attestation.* (1) If you file a petition under this Part, on behalf of a corporation, the duly authorized officer of the corporation must attest to the accuracy of the facts and statements contained in your petition.

(2) If you are filing a petition under this part on behalf of a wholly owned subsidiary, then the requirements of paragraph (d)(1) shall apply to the subsidiary and to the parent corporation as well.

(3) If you are filing on behalf of an entity other than a corporation, the duly authorized officer must attest to the accuracy of the facts and statements contained in your petition.

(4) All requests, comments, and any other documents that are required to be signed must be signed by the person filing the document. Any request, comment or other document filed by a duly authorized representative must contain a statement by such person certifying that he is a duly authorized representative. (A false certification or filing under this Part is punishable under 18 U.S.C. 1001 (1970).)

(e) *Labeling.* You should clearly label any petition or other document that you file with ERA, as "petition for classification as an existing facility" both on the document and on the outside of the envelope in which the document is transmitted.

(f) *Obligation to supply information when you file a petition or other request for action, and other documents relevant thereto.* You are under a continuing obligation during the proceeding to provide the ERA with any new or newly discovered information concerning significantly changed circumstances relevant to the facility.

(g) *Request for confidential treatment.* (1) (i) If you wish to file a document with ERA claiming that some or all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552 (1970) as amended) or is otherwise exempt by law from public disclosure, and if you wish to request ERA not to disclose such information, you must file together with the document a second copy of the document from which you have deleted the information for which you wish to claim confidential treatment. You must indicate in the original document that it is confidential or contains confidential information and file a concise statement specifying the justification for nondisclosure of the information for which confidential treatment is claimed. If you state that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information or is covered by 18 U.S.C. 1905, you must include a concise statement specifying why such information is privileged or confidential.

(ii) If you file a document and fail to submit a second copy of the document with the confidential information deleted, the ERA may assume that there is no objection to public disclosure of the document in its entirety.

(2) The ERA retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by ERA to deny such claim, in whole or in part, and an opportunity to respond will be given to the person claiming confidentiality of information no less than 48 hours prior to the public disclosure of such information.

(3) This subsection does not apply where information is being submitted on an ERA form which contains its own instructions as to requests for confidential treatment of information provided.

(4) Each petition or request for ERA action must be submitted as a separate document, even if the petition or request deals with the same or a related issue, act, or transition, or is submitted in connection with the same proceeding.

§ 515.29 Effective date of orders.

Any order issued by ERA under this part is effective on the date issued against all persons having actual notice of it. Such order is deemed to be issued on the date, as specified in the order, it is signed by an authorized representative of ERA, unless the order or other determination states otherwise.

§ 515.30 Order of precedence.

If there is any conflict or inconsistency between the provisions of this subpart and any other provision of this part, the provisions of this subpart shall control with respect to procedure.

§ 515.31 Addresses for filing documents with the ERA.

All requests, petitions, reports, ERA forms, written communications or other documents are to be filed with the Assistant Administrator for Fuels Regulation, Economic Regulatory Administration, Attention: Office of Public Hearing Management, 2000 M Street NW., Washington, D.C. 20461.

§ 515.32 Office of public information.

The Office of Public Information, 2000 M Street NW., Washington, D.C., Room B-110 is available for public inspection of documents and copying of the following information:

(a) A list of all persons who have filed a Petition for Designation as existing facilities.

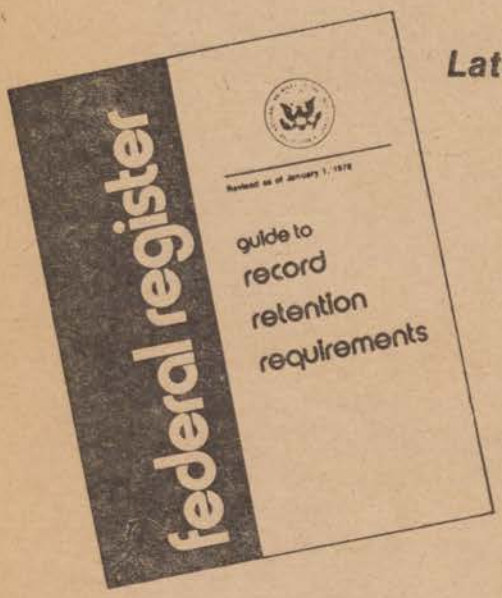
(b) Each decision on a petition, which will contain a statement setting forth the relevant facts and legal basis of each decision with confidential information deleted as well as written comments received from interested persons in connection with a petition.

[FR Doc. 78-32757 Filed 11-21-78; 8:45 am]

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