Payment of Basic Health Services

§ 110.105(a)(4)(i)—Copayment requirements

Q. Is an HMO required to notify all members and prospective members of copayment amounts for every type of service?

A. Yes. An HMO shall, in advance, advise members and prospective members of its copayment policy in all cases, consistent with the requirements under § 110.108(c) for full and fair disclosure. Specifically, the HMO must identify clearly which services are subject to copayment and the established copayment for those services.

§ 110.105(a)(4)(ii)—Copayments for basic health services

Q. Is the HMO responsible for disclosing to its members the copayment amount that the member must pay before the limit on copayments becomes effective?

A. Yes. The HMO is responsible under the requirements of § 110.108(c) for full and fair disclosure to provide specific information on the copayment dollar limitation.

§ 110.105(b)(1) and (2)—Community Rating System

Q. Are HMOs allowed to apply the different community rating methods, described in Part IV of the community rating paper, to different groups at the same time?

A. No. An HMO must select one of the methods and use that method consistently for all groups of enrollees for which the community rating requirement applies. The HMO may change methods, but it must apply the new method consistently.

§ 110.105(b)(3)(ii)(C)—Community rating: rate differentials

Q. Must the rates established for subscribers enrolled in an HMO under the health benefits program authorized by Chapter 89 ("Health Insurance") of Title 5 ("Government Organization and Employees"), United States Code, be based on a community rating system?

A. Yes. Under § 110.111, however, the HMO is required to provide to these members enrolled under Chapter 89 only those health services for which it will be reimbursed under its Chapter 89 contract.

Q. If a public entity were to establish an HMO for its employees, as well as other groups, would that HMO be exempt from applying the community rating standard to all its member groups?

A. No. A qualified HMO sponsored by a public entity is still required to use the community rating standard for those groups not exempted by § 110.105(b)(3)(ii). However, the HMO need not use the community rating standard for the employees of the public entity.

Organization and Operation

§ 110.108(a)(2)(i) and (ii)—administrative and managerial arrangements

Q. May another party retain the right to approve an HMO's underwriting rules and changes to the subscriber contracts and premium rates?

A. No. The HMO is required to retain the final exclusive approval authority to determine underwriting rules, premium rates, and subscriber contract provisions. Of course, this does not limit State regulatory agencies from exercising any such approval authority they have under State law.

Q. May the Executive Director be subject to removal by any group or individual other than the HMO's policymaking body?

A. No.

§ 110.108(b)—Final risk

Q. Except as specifically authorized, is it allowable for an HMO to transfer its financial risk for the provision of health services to non-providers of health services?

A. No. An HMO is not authorized to transfer any or all of that required risk to non-providers.

Q. Is it allowable for an HMO to transfer its required risk to its providers of service?

A. Yes. The HMO entity may transfer all, or some, of the financial risk of providing health services for its members to its providers of service. However, under such arrangements, the HMO or the providers may not insure or make other arrangements, except in accordance with § 110.108(b)(1), (2), and (3). Further, the HMO entity must be able to maintain its fiscal soundness under any risk-sharing arrangement.

§ 110.108(g)—Conversion of membership

Q. Are HMO members entitled to conversion privileges when the subscriber member retires?

A. Yes. Subscribers and their enrolled dependents are eligible for non-group membership in the HMO when the subscriber employee retires.

Q. Must an HMO offer a Medicaid recipient enrolled in the HMO the option of converting to a non-group membership within the HMO if he leaves the Medicaid group?

A. Yes. A Medicaid recipient, like a member of any other group, must be offered the opportunity to convert to non-group membership if he or she leaves the group, provided that the group contract with the HMO is still in effect. Under the provisions for full and fair disclosure, the HMO must inform an enrollee of this opportunity. (See § 110.108(c)). If the former Medicaid recipient does elect to convert his (or her) membership to non-group membership, he (or she) must initiate his reenrollment and be responsible for the premium payments.

Q. Is it permissible for the HMO to require members who reach age 65 to convert from group to non-group status as a condition of continued membership?

A. No. There has been some confusion about the conversion of membership provision of § 110.108(g) due to a statement added to § 110.108(f) indicating that an HMO may require, as a condition of membership, that dependents of a subscriber, upon reaching a specified age, convert to non-group membership.

This reference to age applies to children or minors who cease to meet the HMO's requirement for eligibility as an employee's dependents. It does not apply to subscribers or their eligible dependents who reach age 65.

[FR Doc. 81-5648 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-85-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 62

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule revises the National Flood Insurance Program regulations dealing with minimum premiums, minimum commissions, and the effective date of flood insurance coverage. A few editorial revisions have also been included in this revision.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: H. Joseph Coughlin, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 451 7th Street SW., Room 5126, Washington,

D.C. 20472, Telephone Number (202) 755–6580.

SUPPLEMENTARY INFORMATION: On November 25, 1980, FEMA published for comment in the Federal Register (Vol. 45, Page 78181) a proposed rule containing revisions which are the result of over two years of operation of the National Flood Insurance Program as a Federal Program of direct insurance during which time it became apparent that a renewed emphasis was in order in terms of delivering enhancements in flood insurance coverage to the insurance consumer, at rates more reflective of the risk and with a reduction in risk through innovative insurance loss prevention measures. The proposed amendments were to elicit comment on a broadening of coverage under the Standard Flood Insurance Policy, an increase in the basic deductible provisions, an increase in the minimum acceptable premium from \$25.00 to \$50.00 and in the commissions payable to agents on premium amounts in excess of \$2,000 (to be reduced from 15% to 5% consistent with private sector practices of providing graduated commission arrangements as between insurers and producers). As an additional fiscal matter, the agent's flood insurance manual of rules and rates, which becomes effective simultaneously with these amendments, contains an overall rate increase of 32.5%. As another, loss prevention, initiative, the November 25, 1980, proposed rules provided for a new flood insurance rating system to implement Section 9.11(e) of 44 CFR Part 9, which required that after February 1, 1981, new and substantially improved structures in coastal high hazard areas be individually risk rated by the National Flood Insurance Program prior to the issuance of a flood insurance policy. Underlying the proposed rule is the thought that actuarial rating of structures on an individual risk basis serves to further the program goals of providing incentives for hazard mitigation while permitting adequate coverage under premium rates which assure that sizeable risks of loss from flooding incident to dangerous coastal areas are borne by the owners of properties at risk. Thus, those who prefer to remain in coastal high hazard areas would be encouraged to conform to certain minimum construction standards when obtaining a building permit for construction in a coastal high hazard area which will facilitate accurate actuarial rate determinations and assure meaningful hazard mitigation measures in these areas.

The proposed rule provided that under the individual risk rating system, only new buildings and substantial improvement to existing buildings with permits issued on or after February 1, 1981, would be individually rated. The agent's rate manual still contains rates for buildings already in existence on February 1, 1981. The proposed individual rating system would not apply to situations involving building permits issued on or before January 31, 1981, as long as the actual construction of the building was started within 180 days of the permit issue date. It is contemplated that the rating system will work as follows: as to new construction, the builder/owner will retain the services of a registered engineer or architect who will complete a V-Zone Risk Factor Rating Form prior to the submission of an application for flood insurance. This form employs a point system which will provide the basis for determining the Rating Factor for each property. The Rating Factors have been multiplied by the base rate to determine the appropriate V-Zone rate table for the property. The rating form will be submitted to the National Flood Insurance Program, V-Zone Risk Information, P.O. Box 34294, Bethesda, Maryland 20034, whereupon the NFIP will issue a Certification stating the approximate actuarial rate which will be charged in relation to the proposed construction and the estimated base flood level for the property, including wave height. The NFIP Certification will then be submitted to the building permit official, the permit will be issued and a record of the NFIP Certification will be maintained with the appropriate community official designated for the purpose. When the building is completed, a post-construction inspection must be performed by the engineer or architect and furnished to the National Flood Insurance Program.

A brief discussion of the FIA advisory wave height and V-Zone aspects of the individual risk rating system would be helpful at this point. Advisory wave height levels will be provided to communities by FIA on a gradual, "phase-in" schedule. Until these advisory wave heights are available, the calculations on the V-Zone Risk Rating Form can be used to convert stillwater base flood elevations to wave height information which will satisfy the requirements of Section 60.3(e)(2)(iii) of the proposed rule. At a later date, wave height levels for flood plain management purposes as well as rating purposes will be provided through the community consultation process, during which the community will have a 90-day appeal period prior to the new elevations becoming finalized. After the new elevations are final, the community will have 6 additional months to adopt ordinances enforcing these new elevations for flood plain management purposes. Until then, the base flood elevations including advisory wave heights will be in force only for insurance rating purposes.

It is also important to note that, under the individual risk rating system, 44 CFR 9.11(e) provided that on and after February 1, 1981, no flood insurance could be issued for new construction in V-Zones unless the risk was individually rated, with premiums being commensurate with the risk, including the peril of wave height. FEMA has extended this date to May 1, 1981, and, therefore, is not publishing a final rule to implement the insurance program aspects of Section 9.11(e) at this time, as originally described in the November 25, 1980 proposed rulemaking. The background on this decision follows.

Detailed instructions and forms were made available during January 1981 to agents, lenders, engineers, architects, builders, and community officials within communities which have V-Zones. The FEMA Coastal Design and Construction Manual is also available and has been distributed to communities and other interested parties.

Regarding the Coastal Design and Construction Manual, the manual was developed by the Department of Housing and Urban Development and the Federal Emergency Management Agency. It is intended for use by designers, home builders, community leaders, local officials, and home owners who wish to build prudently in areas of high hazard due to coastal flooding and to meet the requirements of the National Flood Insurance Program. The manual focuses on unique factors and conditions found in coastal environments as the basis for design and construction recommendations. Among the subjects discussed are background information on the National Flood Insurance Program, the hazards associated with building in the coastal flood plain, a review of existing alternative approaches for housing built on raised foundations, recommended performance criteria for the construction of foundation systems in flood hazard areas, and some indications of design solutions.

A substantial number of comments were reeived during the comment period. Moreover, in recognition of the holiday season, which could have delayed the opportunity for some to make comments, the docket was kept open through the period in which this final rule has been drafted so as to enable FIA to benefit from comments to the latest possible date. The Federal Insurance Administration also utilized this period of time to meet with representatives of various regulatory and private sector organizations interested in the proposed rulemaking. Thus, meetings and conferences were held with representatives of groups such as the American Consulting Engineers Council and American Institute of Architects (on V-Zone risk certification matters) and the Federal financial instrumentalities and agencies, including the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, Federal Reserve Board, Comptoller of the Currency, Veteran's Administration, Federal National Mortgage Association, Department of Housing and Urban Development, and the American Bankers Association. Staff of FIA benefitted considerably by these meetings in terms of positive, substantive input. While comments were still being accepted and reviewed and given due consideration as late as January 16, 1981, thus providing an additional three weeks for comment and review, the tenor of some of the comments received indicated that additional time for eliciting comments and conducting a policy review of many of the new initiatives proposed in the November 25, 1980, proposed rulemaking was in order.

Being anxious to benefit to the fullest extent possible by the comments of interested citizens and communities concerning the November 25, 1980, proposed rulemaking, FEMA has decided to publish as a final rulemaking, at this time, only those rules proposed on November 25, 1980, which have to do with fiscal matters or which incorporate needed editorial matter into the program's existing rules.

Thus, Part 61 of the amendments is being revised to clarify the provisions for calculating the effective date of new flood insurance policies (new Section 61.11 (e)) and, at Section 61.10, the minimum premium is being changed from $25.00 to $50.00 per policy. At Part 62, the minimum commission rule is being revised as proposed. This revision also includes a few editorial revisions to the National Flood Insurance Program regulations.

Concerning the remaining proposed rules contained in the November 25, 1980, proposed rulemaking, including revisions dealing with the individual risk rating system, the broadening of the coverage provisions of the Standard Flood Insurance Policy and the increase in the basic deductible provisions, the final rulemaking is being held in abeyance at this time to provide an additional sixty (60) days for comments and policy review. Accordingly, the docket in respect to FEMA's Proposed Rule on National Flood Insurance Program, Coverage, Sales and Loss Prevention Provisions, 44 CFR Parts 59, 60, 61, 62, and 64, published in the Federal Register on November 25, 1980, at pp. 78181–78188 is being held open at this time, and all comments received on or before April 6, 1981, will be considered before final action is taken on any proposed rules not published as final in these revisions. It should also be noted that, as to the individual risk rating system proposed, to implement 44 CFR Section 9.11 (e), this action is consistent with and engendered by FEMA Amendment of Regulations, dated January 21, 1981, which amended 44 CFR Section 9.11 (e) (2) by changing the date February 1, 1981, to May 1, 1981 (46 FR 9084, on January 28, 1981). Simultaneously with this final rule, a Notice of Intent to Delay Final Rulemaking to Elicit Additional Comments for Sixty Days is being published in the Federal Register with respect to the matters set forth in FEMA's November 25, 1980, Proposed Rulemaking National Flood Insurance Program, Coverage, Sales and Loss Prevention Provisions and not published as final rules herein.

FEMA has determined that an environmental impact stratement is not needed for this final rule. A copy of the finding of no significant impact is available for inspection at the above address.

Accordingly, Subchapter B of Chapter 1 of Title 44 is amended at Parts 61 and 62 as follows:

1. Section 61.10 is revised to read as follows:

§ 61.10 Minimum premiums.

The minimum premium required for any policy, regardless of the term or amount of coverage, is $50.00.

2. The title of § 61.11 is revised to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

3. In § 61.11(b), the introductory text is revised to read as follows:

* * * * *

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

(b) Where title to property is conveyed, any new or added coverage or increase in the amount of coverage with respect to the property shall be effective as of the time title to the property is transferred to the purchaser, provided the written request for the new or added coverage is received by the NFIP (P.O. Box 34294, Bethesda, Maryland 20034) when:

* * * * *

4. Section 61.11(d) is revised to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

(d) Adding new coverage or increasing the amount of coverage in force is permitted during the term of any policy. The additional premium for any new coverage or increase in the amount of coverage shall be calculated pro rata in accordance with the rates currently in force.

* * * * *

5. New § 61.11(e) is added as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

(e) With respect to any submission of an application in connection with new business, the payment by an Insured to an Insured's agent or the issuance of premium payment by the agent does not constitute payment to the NFIP. Therefore, it is important that an application for Flood Insurance and its premium be mailed to the NFIP (P.O. Box 34294, Bethesda, Maryland 20034) promptly in order to have the effective date of the coverage based on the application date plus the waiting period. If the application and the premium payment are received at the NFIP within ten (10) days from the date of application, the waiting period will be calculated from the date of application. Also, as an alternative, in those cases where the application and premium payment are mailed by certified mail within four (4) days from the date of application, the waiting period will be calculated from the date of application even though the application and premium payment are received at the NFIP after ten (10) days following the date of application. Thus, if the application and premium payment are received after ten (10) days from the date of the application or are not mailed by certified mail within four (4) days from the date of application, the waiting period will be calculated from the date of receipt by the NFIP. To determine the effective date of any coverage added by endorsement to a flood insurance policy already in effect, substitute the term "endorsement" for the term "application" in this paragraph (e).

6. Section 62.3 (b) and (d) are amended by revising the addresses to read as follows:

§ 62.3 Servicing agent.

(b) * * *

Electronic Data Systems Federal Corporation, 6430 Rockledge Drive, Bethesda, Maryland 20034

* * * * *

(d) National Flood Insurance Program, P.O. Box 34294, Bethesda, MD 20034

* * * * *

7. Section 62.6 is revised to read as follows:

§ 62.6 Minimum commissions.

(a) The earned commission which shall be paid to any property or casualty insurance agent or broker duly licensed by a state insurance regulatory authority, with respect to each policy or renewal the agent duly procures for an insured, shall not be less than $10 and is computed as follows:

(1) In the case of a new or renewal policy, the following commissions shall apply based on the total premiums paid for the policy term:

Policy term	Premium amount	Commissions (percent)
1 year	1st of $2,000	15
	Excess of $2,000	5
3 years	1st of $6,000	15
	Excess of $6,000	5

(2) In the case of mid-term increases in amounts of insurance added by endorsement, the following commissions shall apply based on the total premium paid for the increased amounts of insurance:

Premium amounts	Commission (percent)
1st of $2,000	15
Excess of $2,000	5

(b) Any refunds of premiums authorized under this subchapter shall not affect a previously earned commission; and no agent shall be required to return that earned commission, unless the refund is made to establish a common policy term anniversary date with other insurance providing coverage against loss by other perils in which case a return of commission will be required by the agent on a pro rata basis. In such cases, the policy shall be immediately rewritten for a new term with the same amount(s) of coverage and with premium calculated at the then current rate and, as to return premium, returned, pro rata, to the insured based on the former policy's premium rate.

* * * * *

§ 62.7 [Removed]

8. Section 62.7, titled "Notice to Policyholders" is removed.

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 41943), Executive Order 12127, dated March 31, 1979 (44 FR 19367) Executive Order 11988, dated May 24, 1977 and 44 CFR Part 9, Delegation of Authority to Federal Insurance Administrator)

(42 U.S.C. 4001–4128; 44 CFR Part 9)

Issued at: Washington D.C., February 13, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81-5897 Filed 2-20-81; 8:45 am]

BILLING CODE 6718-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1060

Income Poverty Guidelines (Revised); Withdrawal of Final Rule

Note.—This document originally appeared in the Federal Register for Friday, February 20, 1981. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Community Services Administration.

AGENCY: Community Services Administration.

ACTION: Withdrawal of Final Rule—Income Poverty Guidelines (Revised).

SUMMARY: The Community Services Administration is withdrawing its revision of the Income Poverty Guidelines published in the January 22, 1981, edition of the Federal Register, (46 FR, No. 14, pp. 6950–6951). This rule was scheduled to go into effect on February 23, 1981. However, recent interpretation of the President's January 29, 1981 memorandum to many Federal agencies requesting postponement of final regulations makes it necessary that CSA review the Final Rule—CSA Income Poverty Guidelines (revised) and provide the Office of Management and Budget certain data before the rule can again be submitted for publication. In lieu of new Income Poverty Guidelines, please revert to the rules published April 21, 1980, and August 4, 1980. The Agency anticipates publishing the guidelines in the near future.

EFFECTIVE DATE: This notice of withdrawal of final rule is effective February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ernest F. Powers, Office of Policy, Planning & Evaluation, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone: (202) 632–6630, Teletypewriter: (202) 254–6218.

Authority: The provisions of this subpart are issued under Section 602, 78 Stat. 530, 42 U.S.C. 2942.

William Allison,

Acting Director.

[FR Doc. 81-6052 Filed 2-19-81; 12:19 pm]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-527; RM-3509]

FM Broadcast Stations in Columbia and Monroe City, Missouri; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends § 73.202(b) of the Commission's Rules, the FM Table of Assignments, by assigning Channel 269A to Columbia, Missouri, and substituting Channel 292A for Channel 269A at Monroe City, Missouri, in response to a petition from Al Germond.

EFFECTIVE DATE: April 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Columbia and Monroe City, Missouri), BC Docket No. 80-527 and RM-3509.

Report and Order

(Proceeding Terminated)

Adopted: February 10, 1981.

Released: February 18, 1981.

By the Chief, Policy and Rules Division:

1. On August 19, 1980, at the request of Al Germond ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making,* 45 FR 58620,

published September 4, 1980, proposing the assignment of Channel 269A to Columbia, Missouri, as its third commercial FM assignment, and the substitution of Channel 292A for Channel 269A in Monroe City, Missouri. Supporting comments were filed by petitioner in which he reaffirmed his intent to file for Channel 269A, if assigned to Columbia. Comments were filed by Contemporary Broadcasting, Inc. ("Contemporary"), licensee of Station KFMZ-FM, Columbia, Missouri, opposing the assignment. Petitioner responded to Contemporary's arguments.

2. Columbia (pop. 58,804),[1] seat of Boone County (pop. 80,911), is located in central Missouri, approximately 193 kilometers (120 miles) west of St. Louis, and approximately the same distance east of Kansas City, Missouri. According to population estimates provided by petitioner, the population of Columbia rose 60.5% from 1960 to 1970, while that of Boone County rose 46.6% during the same period. Petitioner relies on the local Chamber of Commerce figures to estimate the 1978 population of Columbia at 65,500, and of Boone County at 100,000.

3. Columbia is presently served by two commercial FM stations (KMCQ, Channel 244A; KFMZ-FM, Channel 252A), four noncommercial FM stations (KCOU, Channel 201A; KOPN, Channel 208C; KWWC-FM, Channel 213D; KBIA, Channel 217C), and two AM stations (KFRU, fulltime; KTGR, daytime). Monroe City presently has no aural broadcast service. While Channel 269A was recently assigned to Monroe City,[2] it remains unoccupied and unapplied for.

4. In the *Notice* we indicated that a preclusion study for Channel 269A at Columbia showed that no preclusion area would be created by the proposed assignment, except for the co-channel where there is a small such area near Columbia. A preclusion study conducted by our staff for Channel 292A at Monroe City, indicated preclusion on Channels 289, 290 and 292A in all or parts of the following counties: Macon, Shelby, Lewis, Marion, Randolph, Monroe, Ralls, and Pike (in Missouri); and Adams, Brown, and Pike (in Illinois). In reply comments, petitioner showed that the only community for which there was no alternative channel available for assignment is Huntsville in Randolph County. No comments have been received expressing an interest in applying for a channel in that community.

5. In its comments, Contemporary pointed out the possibility of an FM assignment in the area causing interference to VHF television Channel 11 in St. Louis, Missouri, and suggested that the Commission may wish to receive evidence on the question. In reply, petitioner stated that there was no foundation to Contemporary's claim.

6. The Commission has generally held that interference to television reception caused by FM stations is not a matter taken into account in assigning FM channels. Rather the problem can be more effectively dealt with in connection with the filing of an application for the FM station. See *Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception* (FCC 66-106), 6 RR 2d 672 (1966). In the past certain measures such as traps and filters have been effective in solving the problem. But the extent of the problem is not known until a specific proposal is before the Commission. *Id.*; *FM Interference to Television Reception* (FCC 67-1012), released September 1, 1967.

7. Contemporary also opposes the assignment on the ground that, according to the 1970 U.S. Census, Columbia has only slightly more than the minimum number of people necessary to bring it within the 2-4 channel "bracket" under the Commission's population criteria.[3] Contemporary argues that in such a case the standard to be applied is whether the proposed community of assignment has a fair and equitable share of available frequencies when compared to communities of comparable size. Contemporary pointed out that Columbia is served by two commercial FM stations, four noncommercial FM stations, and two AM stations. Petitioner responded by arguing that noncommercial stations are not considered in calculating whether a new commercial station should be assigned, leaving Columbia with two FM assignments, one full-time AM station and one daytime AM station. Petitioner is correct that noncommercial stations are not considered under the Commission's population criteria for channel assignments. Thus the present assignment would not exceed the population criteria. Furthermore, we believe that the present request is an efficient assignment since the preclusion impact would be insubstantial.

8. After careful consideration of the proposal and comments, we believe it would be in the public interest to assign Channel 269A to Columbia, Missouri, and substitute Channel 292A for Channel 269A at Monroe City, Missouri. The substitution in Monroe City will have no adverse impact on the establishment of a first local service there, and will enable Columbia, a growing community, the opportunity for a third commercial FM service.

9. Accordingly, it is ordered, That effective April 13, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Columbia, Mo.	244A, 252A, 269A
Monroe City, Mo.	292A

10. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-6015 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

[2] *Monroe City, Missouri*, BC Docket No. 79-16, adopted June 22, 1979.

[3] *See* paragraph 4 of the *Further Notice of Proposed Rule Making* in Docket No. 14185, adopted June 25, 1962 (FCC 62-867), and incorporated by reference in paragraph 25 of the *Third Report, Memorandum Opinion and Order*, 40 F.C.C. 747, 758 (1963).