

# federal register

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WASHINGTON, D.C.

Pages 6557-6640

Volume 37 ■ Number 63

PART I



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## CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1972)

Title 18—Conservation of Power and Water Resources  
(Parts 1-149)----- \$2.00

[A Cumulative checklist of CFR issuances for 1972 appears in the first issue  
of the Federal Register each month under Title 1]

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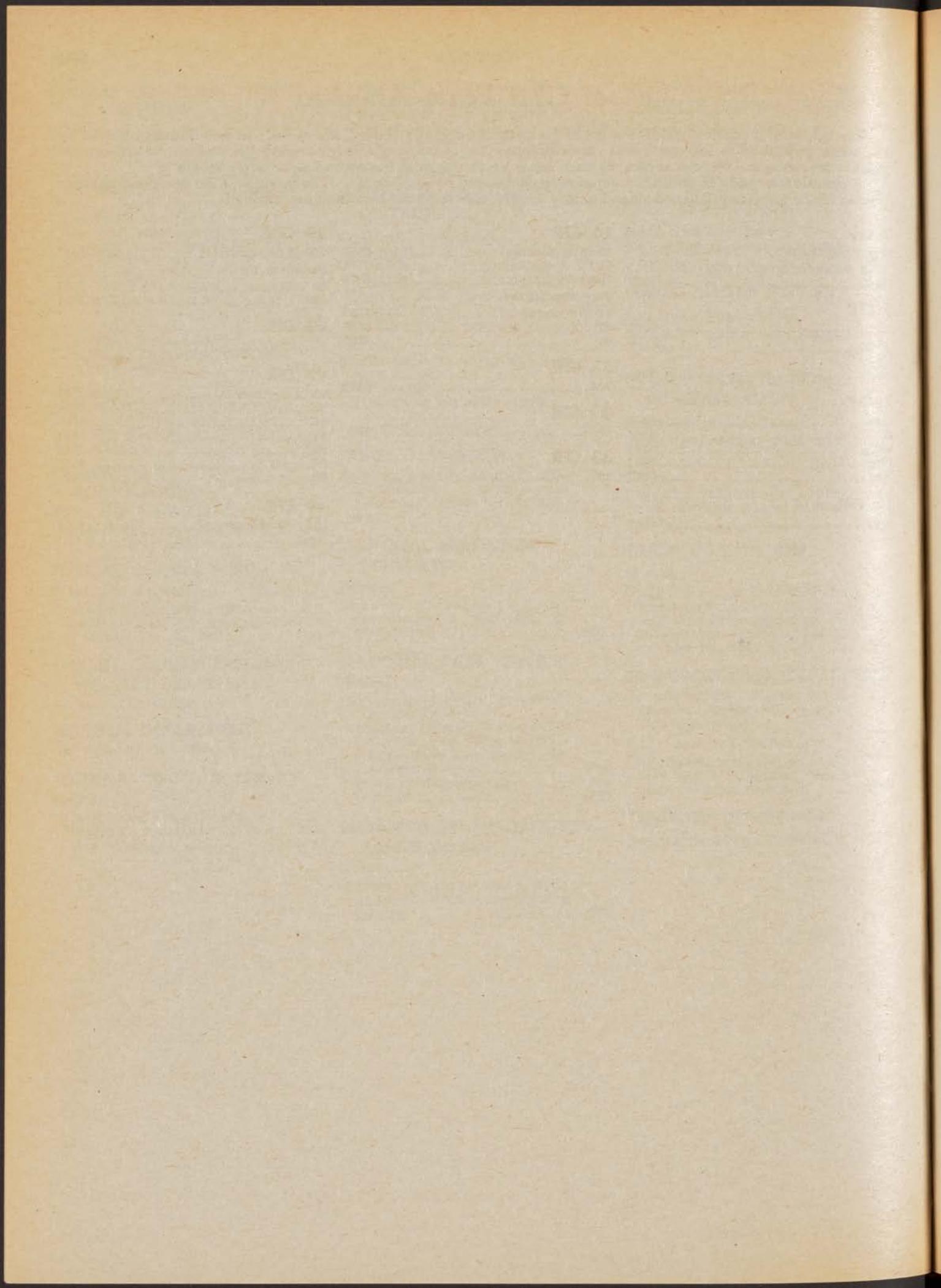
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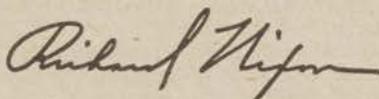
# Presidential Documents

## Title 3—The President

### EXECUTIVE ORDER 11662

#### Further Providing for the Administration of the Disaster Relief Act of 1970, as Amended

By virtue of the authority vested in me by the Disaster Relief Act of 1970, as amended, Section 301 of title 3 of the United States Code, and as President of the United States, Executive Order No. 11575 of December 31, 1970, is amended by substituting "Disaster Relief Act of 1970, as amended" for "Disaster Relief Act of 1970." Any reference in any other order to the Disaster Relief Act of 1970 shall, after the date of this order, be deemed to refer to the Disaster Relief Act of 1970, as amended.



THE WHITE HOUSE,  
March 29, 1972.

[FR Doc.72-5040 Filed 3-29-72; 4:19 pm]

DEPARTMENT OF LABOR

THE BUREAU OF LABOR STATISTICS

WASHINGTON, D. C.

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# Rules and Regulations

## Title 6—ECONOMIC STABILIZATION

### Chapter III—Price Commission

#### PART 301—RENT STABILIZATION

##### Allowable Rent Increases

The purpose of these amendments to Part 301 of the regulations of the Price Commission is to remove the limitation on accumulation of the 2½ percent allowable rent increase in § 301.102(a) (1); and to revise § 301.102(a) (2) to change the dates used in determining the amount of any increases in allowable costs. Current § 301.102(a) (2) allows the use of increases in allowable costs occurring after December 28, 1971. The change would allow persons leasing property that is subject to § 301.101 to pass through increases in allowable costs occurring after August 15, 1971, but only with respect to amounts allocable to the period after December 28, 1971.

Because the purpose of these amendments is to provide immediate guidance and information as to the rent stabilization program, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, subparagraphs (1) and (2) of § 301.102(a) of Title 6 of the Code of Federal Regulations are amended to read as follows, effective March 31, 1972:

#### § 301.102 Allowable rent increases.

##### (a) General. \* \* \*

(1) Two and one-half percent of the base rent for the residence or other real property with respect to each consecutive 12-month period beginning after December 28, 1971; and

(2) The amount of any increase in allowable costs (determined under paragraph (b) of this section) occurring after August 15, 1971, which are—

(i) Incurred with respect to periods beginning after December 28, 1971; and

(ii) Allocable to the residence or other real property.

This subparagraph (2) does not authorize any retroactive increase in any rent.

Issued in Washington, D.C., on March 28, 1972.

C. JACKSON GRAYSON, JR.,  
Chairman, Price Commission.

[FR Doc.72-5000 Filed 3-30-72;8:51 am]

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amtd. 2]

#### PART 410—FLORIDA CITRUS CROP INSURANCE

##### Subpart—Regulations for the 1970 and Succeeding Crop Years

##### APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1972 crop year in the following respects:

1. Subsection 3(a) of the application and policy shown in § 410.6 is amended to read as follows:

3. *Insured Crop.* (a) Beginning with the 1972 crop year, application for insurance may be made with respect to any one or more types of citrus, as defined in section 22 hereof, produced by the insured on trees that have reached at least the 10th growing season after being set out. Also beginning with the 1972 crop year, citrus produced on trees that have not reached the 10th growing season will be insured only if citrus produced on such trees was insured under a contract in force in the 1971 crop year, which is continued in effect for the 1972 crop year, unless the acreage of such citrus is excluded because of risk as hereinafter provided. The insured may, subject to the approval of the Corporation, elect to insure or exclude from insurance for any crop year any definitely described and designated insurable acreage having a potential of less than 100 standard field boxes per acre. Acreage so excluded with approval of the Corporation shall be disregarded for all purposes of this contract for the crop year involved. If the insured fails to report, elect, and designate any defined acreage, the Corporation will disregard such acreage if the minimum potential is not produced thereon. However, if the production meets the minimum, the Corporation shall determine the percent of damage on all of the insurable acreage for the insurance unit (hereinafter called "unit") but will not permit the percent of damage for the unit to be increased by reason of the use of such undesignated acreage. The potential to be used to determine the percent of damage for a unit under section 14 shall never be less than 100 standard field boxes per acre. Except as otherwise provided herein, the insured acreage for each crop year shall be all that acreage in the county of the type(s) of citrus for which the

insured has applied for insurance, which is shown as insurable on the actuarial table and not excluded otherwise because of risk, and in which the insured has an interest on the date insurance attaches.

2. The last sentence of subsection 14 (d) of the application and policy shown in § 410.6 is amended to read as follows:

If unmarketable as fresh fruit due to insured causes, pink and red grapefruit of citrus Type III and citrus Types IV and V shall be deemed to have 50 percent damage unless the Corporation determines by a fresh fruit cut that the actual percent of damaged fruit is greater.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Since notices of contract changes for the 1972 crop year are required by section 12 of the aforesaid application and policy to be given to existing policyholders no later than April 15, 1972, and since applications are presently being taken from new applicants for the 1972 crop year, the Board of Directors found that it would be impracticable, unnecessary and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 F.R. 13804), prior to the adoption of the foregoing amendment. Accordingly, said amendment was adopted by the Board of Directors on February 29, 1972.

[SEAL] LLOYD E. JONES,  
Secretary,  
Federal Crop Insurance Corporation.

Approved on March 27, 1972.

EARL L. BUTZ,  
Secretary.

[FR Doc.72-4953 Filed 3-30-72;8:49 am]

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

#### PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

##### Miscellaneous Amendments

Notice was published in the March 1, 1972, issue of the FEDERAL REGISTER (37 F.R. 4263) regarding proposals to amend Subpart—Administrative Rules and Regulations (7 CFR 987.100-987.174; 36 F.R. 23137; 37 F.R. 1159; 37 F.R. 5282) to permit those dates which fail to meet the requirements for marketable dates but are not cull dates to be referred to either as substandard dates or utility dates. The proposals were based on a unanimous

recommendation of the California Date Administrative Committee established pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposals; one such submission was received from the California Date Administrative Committee.

The term "substandard dates" is defined in § 987.15 to mean dates which fail to meet the requirements for marketable dates but are not cull dates. These dates have an excess of certain defects (e.g., off-color, deformity, scars) which detract from the appearance of the fruit but do not affect its edibility. While such dates are not satisfactory for sale as whole or pitted packaged dates, they are suitable for use in date products in which the form of the date is altered. However, the use of the term "substandard" in connection with such dates implies a commodity unsuitable for human consumption. Therefore, when referring to such dates, the California date industry should be permitted to use the term "utility" in lieu of "substandard" in order to avoid any adverse affects upon the acceptability of California dates and date products.

In the written comment received from the California Date Administrative Committee, the Committee recommended that the inspection service be permitted to certify such dates by a term other than "substandard." This would be accomplished by substituting "utility" for "substandard" in § 987.141(b). The Committee stated that failure to do so would defeat the objective of the proposal. The Committee's recommendation is adopted.

After consideration of all relevant matter presented, including that in the notice, the recommendation of the Committee and the written comment received from it pursuant to the notice, and other available information, it is hereby found that amendment of Subpart—Administrative Rules and Regulations permitting dates failing to meet the requirements for marketable dates, but which are not cull dates, to be referred to as utility dates in lieu of substandard dates, will tend to effectuate the declared policy of the act.

*It is, therefore, ordered,* That Subpart—Administrative Rules and Regulations (7 CFR 987.100-987.174; 36 F.R. 23137; 37 F.R. 1159; 37 F.R. 5282) be amended as follows:

1. A new § 987.103 is added reading as follows:

**§ 987.103 Utility dates.**

"Utility dates" means "substandard dates" as that term is defined in § 987.15.

§§ 987.102, 987.141, 987.145, 987.161, 987.162, 987.164 [Amended]

2. The word "utility" is substituted for "substandard" wherever it appears in §§ 987.102(c), 987.141(b), 987.145(f), 987.161(h), 987.162(e), and 987.164.

3. In § 987.156 the heading and paragraph (a) thereof are revised to read as follows:

**§ 987.156 Disposition of utility dates.**

(a) *Specified products outlets.* Utility dates of any variety inspected and certified in accordance with § 987.56 may be disposed of by handlers for use, or used by them, in the production of table syrup. Utility dates of any variety inspected and certified in accordance with § 987.56 may be disposed of during the period December 4, 1971, through September 30, 1972, by handlers for use, or used by them, in the production of date products for human consumption in the form of rings, chunks, pieces, butter, paste, or macerated dates.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action permits the term "utility" to be used in lieu of "substandard" when referring to dates failing to meet the requirements for marketable dates, but which are not cull dates; (2) "utility" is a more suitable term for such dates used for human consumption and the industry should be afforded opportunity to use this alternative term as soon as practicable; (3) handlers are aware of this action and require no advance preparation to comply therewith; and (4) no useful purpose would be served by postponing the effective time of this action.

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

Dated March 28, 1972, to become effective upon publication in the FEDERAL REGISTER (3-31-72).

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

[FR Doc.72-4979 Filed 3-30-72; 8:51 am]

## PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

### Field Pricing Size Categories

On March 14, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5302), regarding a proposal to amend § 993.207(c), Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971-72 Crop Year (7 CFR 993.207; 36 F.R. 14724; 22736; 23355), by revising certain of the field pricing

size categories contained therein. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 37 F.R. 861; 3349), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Prune Administrative Committee.

Interested persons were given 8 days in which to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

Section 993.207 establishes a salable percentage of 68 percent and a reserve percentage of 32 percent for the 1971-72 crop year, and provides for a handler's reserve obligation to be consistent with the field pricing size categories prescribed in paragraph (c) of that section. The field pricing size categories are by grade, variety, and size categories of prunes, including undersized prunes.

The field pricing size categories used by the prune industry during the 1971-72 crop year for payment of producers and dehydrators by handlers are slightly different from those contained in § 993.207(c). The committee recommended that § 993.207(c) be amended to include those field pricing size categories used by the industry during the 1971-72 crop year (recognizing that most of those categories are currently contained in § 993.207(c)).

The field pricing size categories contained in § 993.207(c) should be revised, as hereinafter set forth, to conform with the field pricing size categories used by the industry during current crop year so that handler's 1971-72 reserve obligations would be more reflective of actual handler receipts. Moreover, such change would also facilitate computation of producer equities in the 1971-72 reserve by the committee for the purpose of distributing net proceeds to equity holders in accordance with § 993.65(e).

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found and determined that revision of the field pricing size categories, as hereinafter set forth, would tend to effectuate the declared policy of the act.

*It is, therefore, ordered,* That, § 993.207(c) of Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971-72 Crop Year (7 CFR 993.207; 36 F.R. 14724; 22736; 23355) be revised to read as follows:

**§ 993.207 Salable and reserve percentages for prunes and handler reserve obligation for the 1971-72 crop year.**

(c) *Field pricing size categories.* Undersized prunes, and other field pricing size categories by variety and grade expressed in minimum and maximum numbers of prunes per pound for each are as follows:

Undersized prunes—Prunes which pass free through a round opening 25/32 of an inch in diameter;

Standard French prunes—33 or less, 34/50, 51/60, 61/81, 82/101, 102/121, and 122 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more;

Standard non-French prunes—24 or less, 25/29, 30/33, 34/40, 41/70, 71/101, and 102 or more;

Substandard Robe de Sargent prunes—70 or less, 71 or more; and

Substandard prunes of other than French and Robe de Sargent varieties—70 or less, 71/101, and 102 or more.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part provide for handlers' reserve obligations whenever salable and reserve percentages are in effect for a crop year; (2) § 993.207 establishes such percentages for the current 1971-72 crop year, which began August 1, 1971, and sets forth field pricing size categories of prunes for the purpose of arriving at handlers' reserve obligations for such crop year; (3) the percentages, and the field pricing size categories as revised herein, apply automatically to prunes received by handlers on and after August 1, 1971; (4) this action concurs in the committee's recommendation that the field pricing size categories currently prescribed in § 993.207(c) be revised; (5) such revised field pricing size categories also are to be used by the committee in making payments to equity holders in the 1971-72 reserve pool, and the committee plans to make the first payment soon; (6) this action imposes no restrictions on handlers; and (7) no useful purpose would be served by postponing the effective time of this action.

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

Dated: March 27, 1972.

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

[FR Doc.72-4952 Filed 3-30-72;8:49 am]

**Chapter XIV—Commodity Credit Corporation, Department of Agriculture**

**SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS**

**PART 1430—DAIRY PRODUCTS**

**Price Support Program for Milk**

The U.S. Department of Agriculture has announced a price support program for milk for the marketing year April 1, 1972 through March 31, 1973 through purchases by Commodity Credit Corpo-

ration (CCC) of dairy products as provided herein. Accordingly, § 1430.282 is revised to read as follows:

**§ 1430.282 Price support program for milk.**

(a) (1) The general levels of prices to producers for milk will be supported from April 1, 1972 through March 31, 1973, at \$4.93 per hundredweight for manufacturing milk.

(2) Price support for milk will be through purchases by CCC of butter, nonfat dry milk, and Cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(3) Commodity Credit Corporation may, by special announcements, offer to purchase other dairy products to support the price of milk.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Livestock and Dairy Division, Washington, DC 20250

or

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, ASCS Commodity Office, 6400 France Avenue South, Minneapolis, MN 55435.

(b) (1) CCC will consider offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

Commodity and Location	Cents per pound
Butter: U.S. Grade A or Higher, New York, N.Y., and Jersey City, Newark, and Secaucus, N.J.-----	\$0.6875
Seattle, Wash., Washington, San Francisco, Calif., California, Alaska, Hawaii, Oregon, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina.-----	.6775
U.S. Grade B: 2 cents per pound less than the price for U.S. Grade A.	
Cheddar Cheese: (Standard moisture basis, 37.8-39.0 percent) <sup>1</sup> ----	.5475
Nonfat Dry Milk, Spray Process: 50-pound bags with sealed closures <sup>2</sup> ----	.3170

<sup>1</sup> For cheese which is offered on a "dry" basis (less than 37.8 percent moisture) the price per pound shall be as indicated in Form ASCS-150. Copies are available in offices listed in (a) (4).

<sup>2</sup> If upon inspection Type II bags with stitched bottom and top closures do not fully comply with specifications for such closures, the price paid will be subject to a discount of 0.25 cent (one-fourth of a cent) per pound of nonfat dry milk.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000 pound carlot, in effect at the beginning of this marketing

year, from such other point to the designated market named by the seller. In the area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, CCC will purchase only bulk butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra Grade, except moisture content shall not exceed 3.5 percent. The Cheddar cheese shall be U.S. Grade A or higher.

(d) The products shall be manufactured in the United States from milk produced in the United States, shall be located in the United States and shall not have been previously owned by CCC.

(e) Purchases will be made in carlot weights specified in the announcements. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Secs. 201 and 401, 63 Stat. 1052, 1054, as amended, sec. 4(d), 62 Stat. 1070, as amended; 7 U.S.C. 1446, 1421, 15 U.S.C. 714b(d))

Signed at Washington, D.C., on March 27, 1972.

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

[FR Doc.72-4951 Filed 3-30-72;8:49 am]

**Chapter XVII—Rural Electrification Administration, Department of Agriculture**

**PART 1701—PUBLIC INFORMATION**

**REA Bulletins**

Part 1701, Title 7, is hereby amended to include additions, revisions and deletions to the Appendix A listing and summary descriptions of REA Bulletins providing the program policies, procedures, and requirements of the Agency. In major part, these changes in Appendix A reflect new and revised REA Bulletins issued after prior publication in the FEDERAL REGISTER to secure public comment and participation under proposed rule making procedures. Where comments or suggestions were received from the public on the new or revised REA bulletins included in this update of Appendix A, they have been incorporated in the bulletins as issued, with one exception. That exception involved comments received on the proposed revision of REA Bulletin 185-1:465-1, Audit of REA Borrowers' Accounting Records, requesting that noncertified public accountants be authorized by REA to make audits of the operations of REA borrowers. After careful consideration of this request, REA found it necessary to reaffirm its existing policy in the bulletin of requiring Certified Public Accountants to perform the attest function for such audits.

The following new or revised listings and summary descriptions of REA bulletins are additions, replacements, and deletions, as specified, of listings in Appendix A to Part 1701 (36 F.R. 19075).

## APPENDIX A—REA BULLETINS

## JOINT RURAL ELECTRIFICATION AND TELEPHONE PROGRAM BULLETINS

<i>REA bulletin number and date of last issuance</i>	<i>Description</i>
44-3:345-4; January 1972 (replacing August 1958).	REA specification for wood crossarms, solid and laminated, transmission timbers, and pole keys to be purchased by REA electric and telephone borrowers.
185-1:465-1; January 1972 (replacing November 1963).	REA policy and requirements regarding audits of the accounts and records of REA borrowers including the selection of independent certified public accountants to perform such audits.

## RURAL ELECTRIFICATION PROGRAM BULLETINS

44-9; December 1960 (deletion)-----	Obsolete—Eliminate from Appendix A.
115-1; March 1972 (replacing May 1968)----	The policy and procedure of REA and supplemental lenders concerning the sale of property by electric borrowers.
161-5; December 1971 (new)-----	The requirements and guidelines of REA concerning the review of the adequacy of borrowers' operation and maintenance programs.
181-1; February 1972 (replacing December 1960).	Uniform system of accounts prescribed by REA for use by its electric borrowers.

## RURAL TELEPHONE PROGRAM BULLETINS

340-3; February 1972 (replacing April 1959) --	The procedure of REA for the design and construction of central office and interconnecting facilities of REA borrowers with those of connecting companies.
341-1; December 1971 (replacing July 1962).	The requirements and procedures of REA for a telephone borrower is closing out an engineering service contract.
341-3; January 1972 (replacing March 1959).	The policy and procedure of REA concerning the selection of consulting engineers by telephone loan applicants and borrowers and the procedure to be followed by them in securing engineering services.
344-2; January 1972 (replacing August 1970).	REA approved list of the materials and equipment suitable for use in the systems of telephone borrowers.
345-13; July 1971 (replacing June 1967)----	Specification of REA for telephone cable for aerial and underground duct applications.
345-14; July 1971 (replacing October 1969) --	Specification of REA for telephone cables for direct burial by telephone borrowers.
345-15; December 1966 (deletion)-----	Remove from Appendix A. Bulletin superseded by August 1971 revision of bulletin 345-22.
345-22; August 1971 (replacing December 1966).	Specifications of REA for telephone voice frequency loading coils.
345-29; July 1971 (replacing August 1967)---	Specification of REA for figure 8 cable for the telephone systems of REA borrowers.
345-30; January 1972 (replacing August 1963).	Specification of REA for ringing generator equipment for the telephone systems of REA borrowers.
345-54; December 1971 (replacing April 1969).	Specification of REA for telephone cable splicing connectors used on borrowers' telephone systems.
345-56; June 1971 (replacing April 1969)---	Specification of REA for station carrier equipment installed on borrowers' telephone systems.
345-59; March 1971 (replacing September 1969).	Specification of REA for inside wiring cable used on borrowers' telephone systems.
345-61; March 1971 (replacing February 1970).	Specification of REA for switchboard cable used on borrowers' telephone systems.
360-1; February 1972 (replacing October 1963)	Requirements for the use by telephone borrowers of REA Form 567, checklist for review of an area coverage design.
385-4; December 1971 (replacing June 1970)	Special equipment contracts and specifications approved by REA for the use of telephone borrowers.
461-1; February 1972 (replacing December 1961)	The requirements of REA with respect to the accounting systems of telephone borrowers.

Dated: March 28, 1972.

DAVID A. HAMIL,  
*Administrator.*

[FR Doc.72-4980 Filed 3-30-72;8:51 am]

Title 5—ADMINISTRATIVE  
PERSONNELChapter I—Civil Service Commission  
PART 531—PAY UNDER THE  
GENERAL SCHEDULE

## Creditable Service; Waiting Period

Part 531 is amended to provide that the entire period of an employee's assignment on leave-without-pay to a State or local government or an institution of higher education under 5 U.S.C. 3373 (the Intergovernmental Personnel Act) will be creditable toward completion of his waiting period for within-grade increases and to waive the requirement for an acceptable level of competence determination.

A new paragraph (g) is added to § 531.404 and paragraph (i) of § 531.407 is amended as set out below.

## § 531.404 Creditable service—waiting period.

(g) The period of leave without pay during an employee's assignment with a State or local government or institution of higher education under sections 3371-3376 of title 5, United States Code, is creditable service in the computation of a waiting period.

## § 531.407 Work of an acceptable level of competence.

(i) Waiver of requirement for determination. The requirement for a determination as prescribed by paragraph (a) of this section is waived for periods of service which are counted as creditable service toward a waiting period under § 531.404 (c), (d), (e), (f), or (g).

(5 U.S.C. 5115, 5338)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*  
[FR Doc.72-4956 Filed 3-30-72;8:51 am]

## Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF  
THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS  
AND DEALERSInstallment Sale of Tax-Shelter  
Programs

Part 220 is amended by adding the following new section:

## § 220.124 Installment sale of tax-shelter programs as "arranging" for credit.

(a) The Board has been asked whether the sale by brokers and dealers of tax-shelter programs containing a provision

that payment for the program may be made in installments would constitute "arranging" for credit in violation of this Part 220. For the purposes of this interpretation, the term "tax-shelter program" means a program which is required to be registered pursuant to section 5 of the Securities Act of 1933 (15 U.S.C. section 77e), in which tax benefits, such as the ability to deduct substantial amounts of depreciation or oil exploration expenses, are made available to a person investing in the program. The programs may take various legal forms and can relate to a variety of industries including, but not limited to, oil and gas exploration programs, real estate syndications (except real estate investment trusts), citrus grove developments and cattle programs.

(b) The most common type of tax-shelter program takes the form of a limited partnership. In the case of the programs under consideration, the investor would commit himself to purchase and the partnership would commit itself to sell the interests. The investor would be entitled to the benefits, and become subject to the risks of ownership at the time the contract is made, although the full purchase price is not then required to be paid. The balance of the purchase price after the downpayment usually is payable in installments which range from 1 to 10 years depending on the program. Thus, the partnership would be extending credit to the purchaser until the time when the latter's contractual obligation has been fulfilled and the final payment made.

(c) With an exception not applicable here, § 220.7(a) of Regulation T provides that:

A creditor [broker or dealer] may arrange for the extension or maintenance of credit to or for any customer of such creditor by any person upon the same terms and conditions as those upon which the creditor, under the provisions of this part, may himself extend or maintain such credit to such customer, but only such terms and conditions \* \* \*

(d) In the case of credit for the purpose of purchasing or carrying securities (purpose credit), § 220.8 of the regulation (the Supplement to Regulation T) does not permit any loan value to be given securities that are not registered on a national securities exchange, included on the Board's OTC Margin List, or exempted by statute from the regulation.

(e) The courts have consistently held investment programs such as those described above to be "securities" for purpose of both the Securities Act of 1933 and the Securities Exchange Act of 1934. The courts have also held that the two statutes are to be construed together. Tax-shelter programs, accordingly, are securities for purposes of Regulation T. They also are not registered on a national securities exchange, included on the Board's OTC Margin List, or exempted by statute from the regulation.

(f) Accordingly, the Board concludes that the sale by a broker/dealer of tax-shelter programs containing a provision that payment for the program may be

made in installments would constitute "arranging" for the extension of credit to purchase or carry securities in violation of the prohibitions of §§ 220.7(a) and 220.8 of Regulation T.

(Interprets or applies 15 U.S.C. 78g(c))

By order of the Board of Governors, March 23, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

[FR Doc.72-4942 Filed 3-30-72;8:49 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11449, Amdt. 39-1424]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Hawker Siddeley Model DH-114, Series 2, "Heron" Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the periodic inspection of the main and damper jack attachment bolts for cracks and their replacement, as necessary, on Hawker Siddeley Model DH-114, Series 2 "Heron" airplanes was published in 36 F.R. 20307 on October 20, 1971.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received; however, the proposed amendment has been revised to more clearly indicate that after replacing a cracked bolt the inspections must be continued as specified in paragraphs (a) and (b) of the airworthiness directive.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**HAWKER SIDDELEY AVIATION.** Applies to Model DH-114 "Heron" Series 2 airplanes.

Compliance is required as indicated. To prevent failures of the main undercarriage main and damper jack attachment bolts, P/N 14-2U.229 and P/N 14-2U.631, accomplish the following:

(a) For airplanes with main undercarriage units that have any P/N 14-2U.229 main and damper jack attachment bolts installed, within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 150 hours' time in service, and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, remove and visually inspect the attachment bolts for cracks.

(b) For airplanes with main undercarriage units that have only P/N 14-2U.631 (Modification 1536) main and damper jack attachment bolts installed, within the next 1,200 hours' time in service after the effective date of this AD, unless already accomplished within the last 1,200 hours' time in service, and thereafter at intervals not to exceed

2,400 hours' time in service from the last inspection, remove and visually inspect the attachment bolts for cracks.

(c) If any bolt is found to be cracked during an inspection required by paragraph (a) or (b), before further flight replace the cracked bolt in accordance with subparagraph (1) or (2):

(1) Replace a cracked bolt, P/N 14-2U.229 with either a serviceable bolt of the same part number or replace with a serviceable bolt, P/N 14-2U.631 (Modification 1536), and continue to inspect in accordance with paragraphs (a) or (b) as applicable.

(2) Replace a cracked bolt, P/N 14-2U.631 (Modification 1536), with a serviceable bolt of the same part number and continue to inspect in accordance with paragraphs (a) or (b) as applicable.

This amendment becomes effective May 1, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 24, 1972.

WILLIAM G. SHREVE, JR.,  
Acting Director,  
Flight Standards Service.

[FR Doc.72-4929 Filed 3-30-72;8:46 am]

[Docket No. 11282, Amdt. 39-1425]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Hawker Siddeley Model DH-114 "Heron" Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic dye penetrant inspection for cracks of the upper arm of the rudder control pedal reversal lever and a visual inspection for mechanical damage, and the replacement of cracked parts and the repair of damaged parts on Hawker Siddeley Model DH-114 "Heron" airplanes was published in 36 F.R. 14391 on August 5, 1971.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**HAWKER SIDDELEY AVIATION.** Applies to Hawker Siddeley Model DH-114 "Heron" airplanes.

Compliance is required as indicated. To detect cracks in the upper arm of the rudder control pedal reversal lever, P/N 4CF.767A, accomplish the following:

(a) Within the next 200 hours' time in service after the effective date of this AD, unless already accomplished within the last 2,200 hours' time in service, and thereafter at intervals not to exceed 2,400 hours' time in service from the last inspection, inspect the upper area of the rudder control pedal reversal lever, P/N 4CF.767A, for cracks using a dye penetrant method in accordance with Hawker Siddeley Technical News Sheet Series: "Heron" 114, No. C.F. 15, Issue 1, dated October 19, 1970, or later ARB-approved issue

or FAA-approved equivalent. If no cracks are found, visually inspect the upper radiused surface of the upper arm of the rudder control reversal lever for marks or other evidence of mechanical damage.

(b) If a crack is found during an inspection required by paragraph (a), before further flight replace the cracked part with a new part of the same part number and continue to inspect in accordance with paragraph (a).

(c) If marks or other evidence of mechanical damage are found during an inspection required by paragraph (a), before further flight smoothly blend out the marks and renew the protective treatment, using a selenious acid treatment, and repaint the part. After refitting the part, continue to inspect in accordance with paragraph (a).

This amendment becomes effective May 1, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 24, 1972.

WILLIAM G. SHREVE, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc. 72-4930 Filed 3-30-72; 8:47 am]

[Docket No. 72-CE-10-AD, Amdt. 39-1423]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Certain Cessna Series Airplanes

AD 71-21-1, Amendment 39-1311, published in the FEDERAL REGISTER on October 7, 1971, is an Airworthiness Directive which requires a one time inspection of the front and rear spar attachments of the vertical stabilizer and associated bulkheads in the fuselage on Cessna 206 series airplanes for cracks and elongated bolt holes, and the replacement or repair of damaged parts, as applicable. The AD also requires that any discrepancies discovered during the aforementioned inspection be reported to the FAA. Approximately 65 such reports have been received and in turn forwarded to the manufacturer. Based on data from these reports and engineering evaluation, the manufacturer conducted tests which concluded that cracks could develop after 500 hours in the aft fuselage bulkhead of Cessna 206 series airplanes with the floatplane vertical stabilizer and after 1,000 hours on Cessna 206 series airplanes with the standard vertical stabilizer. Due to the commonality of parts between Cessna 206 series airplanes on the one hand and Cessna 205 and 207 series airplanes and certain models of Cessna 182 and 210 airplanes on the other, the manufacturer has determined that these latter aircraft could also be affected.

Since the condition described herein could exist or develop in other airplanes of the same type design, an AD is being issued, superseding AD 71-21-1, requiring on Cessna 205, 206, and 207 series airplanes and certain models of Cessna 182 and 210 airplanes, various repetitive inspections of the aft bulkhead area for cracks or hole elongations, and replace-

ment or repair of damaged parts, as appropriate.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to all 205 series; 206, P206, U206, TP206, and TU206 series; 207 and T207 series; 182 (Serial Nos. 18253599 and subsequent); 210 (Serial Nos. 21057841 and subsequent); and all T210 series airplanes.

Compliance: Required as indicated, except that the inspections accomplished per AD 71-21-1 are acceptable in lieu of the initial inspections required herein.

To detect cracks and bolt looseness which could lead to inflight separation of the fin and rudder, within the next 50 hours' time in service after the effective date of this AD on all airplanes with 1,000 or more hours' time in service, and thereafter at intervals not to exceed 1,000 hours, except that 206 series airplanes with the floatplane vertical stabilizer are to be inspected initially at 500 hours and at 500-hour intervals thereafter, accomplish the following:

(A) Remove stinger and fairing between the vertical and horizontal stabilizer.

(B) Visually inspect the aft fin spar attachment bolts for indications of looseness (i.e., cracked inspection putty or signs of working).

(C) If any indications of looseness of the bolt attachments are found during the inspection required by Paragraph B, prior to further flight, accomplish the following:

(1) Remove and reinstall bolts one at a time while dye penetrant inspecting attachment holes for cracks.

(2) Check attachment holes for excessive elongation. AN5 bolt holes can be redrilled for AN6 bolts and AN6 bolt holes can be redrilled for AN7 bolts.

Acceptable limits for bolt holes are as follows:

- (a) 0.313 to 0.319 inches for AN5 bolts.
- (b) 0.375 to 0.381 inches for AN6 bolts.
- (c) 0.437 to 0.444 inches for AN7 bolts.

If reaming does not remove all signs of bolt hole elongation, repair or replace damaged parts, as appropriate.

(3) When reinstalling bolts use the following torque values:

- (a) AN5—140-225 inch pounds.
- (b) AN6—190-390 inch pounds.
- (c) AN7—500-840 inch pounds.

Add washers as required to provide sufficient threads when torquing the bolts.

(D) Visually inspect the forward and aft vertical fin attachment structure for cracks and dye penetrant or equivalent inspect the following for cracks:

(1) The lower inboard corner of each rudder cable cutout in the aft bulkhead.

(2) The area in the aft bulkhead between the rudder cable cutout and the bulkhead flange.

(E) If cracks are found during the inspection required by Paragraph D, prior to further flight:

(1) Replace complete aft bulkhead assembly.

(2) Dye penetrant or equivalent inspect forward face of the front fin spar attach fitting for cracks from the top of the mount holes to one inch above same. If cracks are

found, the front fin spar attach fitting must be replaced.

(3) Dye penetrant or equivalent inspect the front fin spar attach bulkhead attachment holes for cracks. If cracks are found, accomplish one of the following:

(a) Replace the bulkhead.

(b) Ream the bolt holes to the next larger size (AN6) in accordance with the tolerances set forth in Paragraph C(2) provided all evidence of cracks is removed.

(c) An FAA-approved equivalent repair.

(F) Install inspection putty on all nuts and bolts.

(G) Replace stinger and fairings.

(H) Equivalent methods of compliance with this AD must be approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(I) Report any discrepancies on a Malfunction or Defect Report, FAA Form 8330.2 (Form 1226), (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

Cessna Service Letter SE72-3, dated February 11, 1972, pertains to this subject.

Note: It is recommended that the inspections required by this AD, be accomplished any time the airplane has been exposed to severe wind or gust conditions.

This AD supersedes AD 71-21-1. This amendment becomes effective April 1, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 23, 1972.

JOHN M. CYROCKI,  
Director, Central Region.

[FR Doc. 72-4931 Filed 3-30-72; 8:47 am]

[Airworthiness Docket No. 68-WE-12-AD, Amdt. 39-1420]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Boeing Model 707/720 Series Airplanes

Amendment 39-640 (33 F.R. 11976), AD 68-17-8, as amended by Amendments 39-670, 39-852, 39-891, and 39-923, requires inspection of the lower wing skin for cracks from the splice plate tab and repair as necessary on Boeing Model 707/720 Series aircraft. After issuing Amendment 39-923 (35 F.R. 620) due to service experience, the agency determined that the eddy current inspection method is an approved equivalent for the dye penetrant inspection method for the subject AD.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-640 (33 F.R. 11976), AD 68-17-8, as amended by Amendment 39-923 (35 F.R. 620), is further amended by changing paragraph (a) to read:

(a) Inspect the lower wing skin of aircraft which have not been required by installation of the small repair doubler (identified on Page 25, Boeing Service Bulletin 1995, Revision 5), for cracks emanating from the two outboard fasteners of the splice plate tab as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 5 or later FAA approved revisions) by the use of either a dye penetrant or an eddy current inspection technique, or an equivalent inspection method approved by the Chief, Aircraft Engineering Division, FAA Western Region, at the times specified in (h), (i), (j), or (k) as appropriate and, if cracks are found, repair prior to further flight per (f) or (g).

This amendment becomes effective April 1, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 22, 1972.

**JAMES V. NIELSEN,**  
*Director, FAA Western Region.*

[FR Doc.72-4932 Filed 3-30-72;8:47 am]

[Docket No. 72-EA-24, Amdt. 39-1421]

**PART 39—AIRWORTHINESS DIRECTIVES**

**American Aviation Aircraft**

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to American Aviation Corp. AA-1 and AA-1A type airplanes.

There have been reports of excessive wear on the elevator bungee housing assembly and loose rivets on the shear link. Failure of these units can affect elevator control and therefore present a hazard to air safety.

This situation requires expeditious adoption of this amendment. Therefore, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to American Aviation Models AA-1 and AA-1A certificated in all categories.

Compliance required within the next 25 hours in service after the effective date of this AD unless already accomplished within the last 75 hours and thereafter at intervals not to exceed 100 hours in service from the last inspection.

(a) To detect loose rivets in the shear link and excessive wear on the outer surface of the elevator bungee housing assembly, accomplish the following:

(1) Visually inspect shear link for loose rivets.

(2) Visually inspect the bungee housing outer surface at the support bearing for excessive wear.

(b) Loose rivets or bungee housing outer surface worn more than 0.016 inch deep must be replaced with a part of the same

part number or an FAA approved equivalent part before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(c) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this AD. FAA-approved equivalent parts will be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(American Aviation Service Letter No. 71-11A covers this same subject.)

This amendment is effective April 6, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 22, 1972.

**ROBERT H. STANTON,**  
*Acting Director, Eastern Region.*

[FR Doc.72-4933 Filed 3-30-72;8:47 am]

[Docket No. 72-EA-36, Amdt. 39-1422]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Fairchild Hiller Aircraft**

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to the Fairchild Hiller F-27 and FH-227 type aircraft.

As a result of an investigation it has been determined that the collapsible seat affixed to the after lavatory wall, normally occupied by the stewardess, does not conform to CAR 4b.358 of Part 4b of the Civil Air Regulations (now Part 25 of the Federal Aviation Regulations). The configuration fails to prevent the head of a seated crew member from coming in contact with nearby projections of aircraft structure. Owners and operators of affected aircraft were alerted to the foregoing deficiency by telegram dated March 10, 1972.

Since the foregoing establishes an unsafe condition as to crew members, expeditious adoption of this amendment is required. Therefore, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

**FAIRCHILD HILLER AIRCRAFT.** Applies to Fairchild Hiller F-27 and FH-227 aircraft certificated in all categories, incorporating a stewardess jump seat mounted on the rear lavatory wall facing aft, and where the head of a seated crew member would be within striking radius of the retracted rear passenger stairs.

To preclude possible injury to the occupant of the above described stewardess seat, ac-

complish the following, unless already accomplished:

(a) Notify all flight personnel prior to their next flight that the stewardess seat is not to be occupied.

(b) Within 25 flight hours after the effective date of this airworthiness directive, either remove the stewardess seat described above from the aircraft, or conspicuously post in the vicinity of the stewardess seat and in full view of the seat occupant a placard reading as follows:

"Do Not Occupy Stewardess Jump Seat."

(c) Upon accomplishment of a modification to the stewardess seat station to show compliance with CAR 4b.358, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, the placard may be removed.

This amendment is effective April 6, 1972, and was effective upon receipt of a telegram dated March 10, 1972, for all recipients, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 22, 1972.

**ROBERT H. STANTON,**  
*Acting Director, Eastern Region.*

[FR Doc.72-4934 Filed 3-30-72;8:47 am]

[Airspace Docket No. 71-NE-11]

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

**Alteration of Transition Area; Effective Date**

On page 5488 of the FEDERAL REGISTER dated March 16, 1972 (37 F.R. 5488), the Federal Aviation Administration issued an amendment, effective 0901 G.m.t., May 25, 1972, which redesignated the Whitefield, N.H., 700-foot transition area and designated a new Whitefield, N.H., 1,200-foot transition area.

It has been determined that it is now possible to implement the amended NDB procedure by April 27, 1972, instead of the later date which was set forth in the initial amendment.

Since 30 days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In view of the foregoing, the effective date for the regulations is amended to read 0901 G.m.t., April 27, 1972 in lieu of 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on March 22, 1972.

**FERRIS J. HOWLAND,**  
*Director, New England Region.*

[FR Doc.72-4917 Filed 3-30-72;8:45 am]

[Airspace Docket No. 71-SO-151]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Designation of Transition Area**

On October 5, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 19399), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Elkin, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

**ELKIN, N.C.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elkin Municipal Airport (lat. 36°16'40" N., long. 80°47'12" W.); within 3 miles each side of the 067° bearing from Zephyr RBN (lat. 36°18'30" N., long. 80°43'05" W.), extending from the 6.5-mile-radius area to 8.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 22, 1972.

**DUANE W. FREER,**  
*Acting Director, Southern Region.*

[FR Doc.72-4919 Filed 3-30-72;8:45 am]

[Airspace Docket No. 72-NW-01]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Transition Area**

On January 27, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 1249) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Moses Lake, Wash., transition area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed regulation were received.

In consideration of the foregoing, the proposed regulation is hereby adopted without change.

*Effective date.* This amendment shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1384(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on March 23, 1972.

**J. H. TANNER,**  
*Acting Director, Northwest Region.*

**MOSES LAKE, WASH.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grant County Airport (latitude 47°12'19" N., longitude 119°19'05" W.), within 3.5 miles west and 4 miles east of the Moses Lake ILS localizer south course extending from the 5-mile-radius area to 9.5 miles south of the Pelican RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 19 miles northeast;

That airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the arc of a 21-mile-radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 9.5 miles northeast of the Ephrata VORTAC 337° radial extending from the VORTAC to 19 miles northwest of the VORTAC, within 5 miles southwest and 6 miles northeast of Moses Lake VOR 144° radial extending from 26 miles southeast of the VOR to the northwest edge of V-112W, within 15 miles east and 10 miles west of the Moses Lake VOR 161° and 341° radials extending from 27 miles south to 14 miles north of the VOR. That airspace northeast of Moses Lake bounded on the northwest by a line 5 miles northwest of and parallel to the Ephrata VORTAC 066° radial, on the east by an arc of a 52-mile-radius circle centered on Fairchild Air Force Base, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.) on the southeast by a line 6 miles southeast of and parallel to the Moses Lake VOR 066° radial on the west by longitude 119°15'00" W., that airspace west of Moses Lake bounded on the north by latitude 47°30'00" N., on the east by longitude 119°15'00" W., on the south by a line 6 miles south of and parallel to the Moses Lake VOR 266° radial, on the west by an arc of a 39-mile-radius circle centered on the Grant County Airport;

That airspace extending upward from 3,500 feet MSL bounded on the northeast by a line 5 miles southwest of and parallel to the Moses Lake VOR 144° radial, on the southeast by the northwest edge of V-112 W, on the south by the north edge of V-298, on the west by longitude 119°15'00" W. and on the north by latitude 46°44'00" N.;

That airspace east of Moses Lake extending upward from 4,500 feet MSL bounded on the northwest by a line 6 miles southeast of and parallel to the Moses Lake VOR 066° radial, on the northeast by the 52-mile-radius arc of Fairchild AFB, on the southeast by the northeast edge of V-112 W and on the west by a line 15 miles east of the Moses Lake VOR 161° radial;

That airspace southwest of Moses Lake extending upward from 5,500 feet MSL, bounded on the southeast by a line 10 miles southeast of and parallel to the Moses Lake VOR 238° radial extending from 10 miles to 52 miles southwest of the VOR on the west by a 52-mile-radius arc centered on the Moses Lake VOR, on the north by a line 4 miles south of and parallel to the Moses Lake VOR 266° radial.

[FR Doc.72-4921 Filed 3-30-72;8:46 am]

[Airspace Docket No. 72-NW-04]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Transition Area**

On February 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2683) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Ore., transition area.

Interested persons were given 45 days in which to submit written comments. No objections to the proposed regulation were received.

In consideration of the foregoing, the proposed regulation is hereby adopted without change.

*Effective date.* This amendment shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on March 22, 1972.

**J. H. TANNER,**  
*Acting Director, Northwest Region.*

In § 71.181 (36 F.R. 2140) the description of the Eugene, Ore., transition area is amended as follows:

In line five of the text, delete, " \* \* \* and that airspace southwest of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of an 18-mile-radius circle centered on the Eugene VORTAC, on the northwest by a line 2 miles northwest of and parallel to the Eugene VORTAC 224° radial, \* \* \* " and substitute therefor, " \* \* \* and that airspace south of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of a 21-mile-radius circle centered on the Eugene VORTAC, on the northwest by a line 5 miles northwest of and parallel to the Eugene VORTAC 224° radial; \* \* \* ".

[FR Doc.72-4922 Filed 3-30-72;8:46 am]

[Airspace Docket No. 72-SW-8]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sherman, Tex., 700-foot transition area.

On February 16, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3442) stating

the Federal Aviation Administration proposed to alter the Sherman, Tex., transition area to accommodate an approach procedure at Grayson County Airport.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Sherman, Tex., transition area is amended to read:

SHERMAN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sherman Municipal Airport (latitude 33°37'30" N., longitude 96°35'09" W.) and within a 7-mile radius of Grayson County Airport (latitude 33°42'25" N., longitude 96°40'25" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 23, 1972.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.72-4923 Filed 3-30-72; 8:46 am]

[Airspace Docket No. 72-SW-7]

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

**Alteration of Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Athens, Tex., 700-foot transition area.

On February 16, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3442) stating the Federal Aviation Administration proposed to alter the Athens, Tex., transition area by reducing the extent of the transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Athens, Tex., transition area is amended to read:

ATHENS, TEX.

That airspace extending from 700 feet above the surface within a 5-mile radius of Jones Municipal Airport (latitude 32°10'00" N., longitude 95°50'00" W.) and within 3.5 miles each side of the 176° bearing from the Athens RBN (latitude 32°09'35" N., longitude 95°49'50" W.) extending from the 5-mile radius to 11.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 23, 1972.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.72-4924 Filed 3-30-72; 8:46 am]

[Airspace Docket No. 72-WE-2]

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

**Designation of Transition Area**

On February 16, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3443) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Lake Havasu City Airport, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 22, 1972.

JAMES V. NIELSEN,  
Acting Director, Western Region.

In § 71.181 (37 F.R. 2143) the following transition area is added:

LAKE HAVASU, ARIZ.

That airspace extending upward from 700 feet above the surface within 7 miles east and 5.5 miles west of the Needles, Calif., VORTAC 163° radial, extending from 17 to 27 miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within 7 miles east and 5.5 miles west of the Needles VORTAC 163° radial extending from the VORTAC to 17 miles south of the VORTAC.

[FR Doc.72-4918 Filed 3-30-72; 8:45 am]

[Airspace Docket No. 72-WE-5]

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

**Alteration of Transition Area**

On February 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3763) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ely, Nev., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed

amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 23, 1972.

JAMES V. NIELSEN,  
Acting Director, Western Region.

In § 71.181 (37 F.R. 2143) the description of the Ely, Nev., transition area is amended to read as follows:

ELY, NEV.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, Nev., VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Ely VOR 007° and 187° radials extending from 17 miles north to 2 miles south of the VOR and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles of the VOR.

[FR Doc.72-4920 Filed 3-30-72; 8:46 am]

[Airspace Docket No. 71-GL-36]

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

**Alteration of Transition Area**

On Page 621 of the FEDERAL REGISTER dated January 14, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Jefferson, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on March 9, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ashtabula County Airport, Ashtabula, Ohio (latitude 41°48'40" N., 80°41'45" W.) and within 3½ miles each side of the Jefferson VORTAC 243° radial, extending from

the 7-mile-radius area to 11½ miles southwest of the VORTAC.

[FR Doc.72-4925 Filed 3-30-72; 8:46 am]

[Airspace Docket No. 72-WE-13]

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

##### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Chandler, Ariz., control zone.

It has recently been ascertained that portions of the Chandler control zone are described with reference to the Chandler TACAN. The correct facility should be referenced as the Chandler VORTAC. Action is taken herein to effect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing in § 71.171 (37 F.R. 2046) the description of the Chandler, Ariz., control zone is amended by deleting the word "TACAN" each place it appears in the text and substituting the word "VORTAC" therefor.

*Effective date.* This amendment will be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 22, 1972.

JAMES V. NIELSEN,  
Acting Director, Western Region.

[FR Doc.72-4926 Filed 3-30-72; 8:46 am]

[Airspace Docket No. 72-WE-7]

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

##### Alteration of Control Zone and Transition Area

On February 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3763) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Winslow, Ariz., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

*Effective date.* These amendments shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c),

Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 23, 1972.

JAMES V. NIELSEN,  
Acting Director, Western Region.

In § 71.171 (37 F.R. 2056) the description of the Winslow, Ariz., control zone is amended to read as follows:

##### WINSLOW, ARIZ.

Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of an 8.5-mile-radius circle centered on Winslow VORTAC, extending clockwise from a line 3.5 miles south of and parallel to the Winslow 277° radial to a line 3.5 miles north of and parallel to the Winslow 292° radial.

In § 71.181 (37 F.R. 2843) the description of the Winslow, Ariz., transition area is amended to read as follows:

##### WINSLOW, ARIZ.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of a 10-mile-radius circle centered on Winslow VORTAC extending clockwise from a line 4 miles south of and parallel to the Winslow 277° radial to a line 4 miles north of and parallel to the Winslow 292° radial; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 16.5 miles south of the Winslow 112° and 292° radials, extending from 15.5 miles east to 19 miles west of the VORTAC.

[FR Doc.72-4927 Filed 3-30-72; 8:46 am]

[Airspace Docket No. 72-WA-15]

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

##### Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a minor adjustment to the designated floors for the segment of VOR Federal airway No. 177 between Wausau, Wis., and Duluth, Minn.

V-177 segment is presently designated from Wausau with a 1,200-foot floor to 32 miles northwest of Wausau and 5,500 feet MSL from 32 miles Northwest of Wausau to 131 miles Northwest of Wausau, thence a 1,200-foot floor to Duluth.

Action is taken herein to redesignate V-177 segment floors from Wausau 1,200 feet to 32 miles northwest of Wausau, thence 5,000 feet MSL from 32 miles northwest to 131 miles northwest of Wausau, thence 1,200 feet to Duluth. This adjustment will cause the airway floor to conform with the floor of the revised Duluth transition area effective May 25, 1972.

Since this amendment is minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical

charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009) V-177 is amended by deleting all after "Dells, Wis.," and substituting therefor "Wausau, Wis., 32 miles, 99 miles, 50 MSL, Duluth, Minn."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 24, 1972.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-4928 Filed 3-30-72; 8:46 am]

[Airspace Docket No. 72-WA-9]

#### PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

##### Alteration of Jet Route Segment

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to make a minor realignment to Jet Route No. 13 segment between El Paso, Tex., and Truth or Consequences, N. Mex.

J-13 is presently aligned in part as a common route segment with Jet Route No. 2 utilizing the El Paso VORTAC 281° T (269° M) radial. J-2 segment has been altered in Airspace Docket No. 71-SW-5 (37 F.R. 4957) and will be aligned via the El Paso VORTAC 275° T (263° M) radial, effective May 25, 1972.

Accordingly, action is being taken herein to realign J-13 segment via the El Paso VORTAC 275° T (263° M) radial so that the centerlines of J-2 and J-13 will coincide.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate change to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 75.100 (37 F.R. 2382) Jet Route No. 13 text is amended by deleting: "El Paso 281°" and substituting "El Paso 275°" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 24, 1972.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-4914 Filed 3-30-72; 8:45 am]

[Airspace Docket No. 72-WA-20]

**PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES**

**Alteration of Area High Routes**

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to change the reference facility for the "Social Circle, Ga.," waypoint in area high route J816R. This change of reference facilities will make the "Social Circle" waypoint in J816R and J876R identical, thus permitting charted waypoint data for "Social Circle" to be reduced and simplified.

Since this amendment is minor in nature with no substantive change in the regulation, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days' notice.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

Section 75.400 (37 F.R. 2400) is amended as follows:

In J816R delete first waypoint information "Social Circle, Ga. 33°37'10" N., 83°36'42" W. Spartanburg, S.C." and substitute "Social Circle, Ga. 33°37'10" N., 83°36'42" W. Augusta, Ga." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 24, 1972.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-4915 Filed 3-30-72;8:45 am]

[Airspace Docket No. 72-WA-17]

**PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES**

**Addition of Waypoint**

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to add a waypoint to area high route J933R between the Wichita Falls, Tex., waypoint and the Texico, N. Mex., waypoint.

On March 16, 1972, a rule was published in the FEDERAL REGISTER (37 F.R. 5489) which added a waypoint to area high route J855R between the Wichita Falls, Tex., waypoint and the Texico, N. Mex., waypoint. J855R and J933R are identical between these waypoints and therefore a waypoint added to one route must be added to the other.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (3-31-72), as hereinafter set forth.

Section 75.400 (37 F.R. 2400, 2767) is amended as follows:

In J933R "Wichita Falls, Tex. 33° 59'14"/98°35'35" Wichita Falls, Tex."

is deleted and "Wichita Falls, Tex. 33° 59'14"/98°35'35" Wichita Falls, Tex., Crowell, Tex. 34°08'33"/99°45'50" Wichita Falls, Tex.," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a) sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 27, 1972.

ROBERT G. CARNAHAN,  
Acting Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-4916 Filed 3-30-72;8:45 am]

**Title 23—HIGHWAYS**

**Chapter II—Highway Safety Program Standards, Department of Transportation**

**PART 204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS**

**Temporary Waiver of Highway Safety Program Standard**

The purpose of this notice is to announce a partial temporary waiver of Highway Safety Program Standard No. 5, Driver Licensing, 23 CFR 204.4, to permit the State of California to conduct a pilot program pursuant to section 402(a) of the Highway Safety Act of 1966, 23 U.S.C. 402(a).

It is important to develop incentives for drivers to remain current on safe driving practices and rules of the road throughout their driving career. Periodic reexamination programs have been developed in most States as a means of achieving this end. Because of this central role given to periodic reexamination in driver licensing programs, and the large amount of funds expended in the effort, these programs should be continuously evaluated and reviewed. Establishment of a pilot program comparing driver behavior of groups subject to different licensing procedures can be an effective method of evaluation. The program proposed by the State of California is designed to create an incentive for good driving by establishing a special program for drivers with perfect records, and it has been determined that the public interest will be served by temporarily waiving the driver licensing standard to permit adoption of this pilot evaluation program.

In consideration of the foregoing, and subject to the terms and conditions set out below, paragraph III(B) of Highway Safety Program Standard 5, 23 CFR 204.4, is hereby waived, but only to the extent that the State of California may, for the 1-year period beginning April 1, 1972, waive the required reexamination for not more than 1 percent of the total number of California drivers renewing their license during the period of this waiver, for the purpose of conducting a pilot study of a safe driving incentive

program in accordance with California Senate Concurrent Resolution No. 104, dated July 12, 1972. The National Highway Traffic Safety Administration is not by this waiver approving or authorizing any of the programs, activities, procedures, or methodologies planned or to be engaged in by the State of California in connection with this waiver, or agreeing beforehand to adopt results. The Administration only agrees not to apply the periodic reexamination requirement of Standard No. 5 against the State of California should it undertake to carry out the program described above.

**Terms and conditions.** The State will submit to the National Highway Traffic Safety Administration a detailed plan including program design, operational methodologies, evaluation methods, and intended results of the activities to be conducted in connection with this waiver, prior to implementation of the program, and a final report explaining the results of the program and conclusions reached.

(Sec. 402(a), Highway Safety Act of 1966, 23 U.S.C. 402(a); delegations of authority at 49 CFR 1.5 and 501.8)

Issued on March 27, 1972.

JAMES E. WILSON,  
Associate Administrator.

[FR Doc.72-4984 Filed 3-30-72;8:52 am]

**Title 29—LABOR**

**Chapter XVII—Occupational Safety and Health Administration, Department of Labor**

**PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

**Miscellaneous Amendments**

Pursuant to authority in sections 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) and in 29 CFR 1910.4, 29 CFR Part 1910 is hereby amended as set forth below.

Most of the amendments promulgate the "scope" provisions of national consensus standards promulgated as occupational safety or health standards on May 29, 1971. The provisions are adopted in order to clarify the scope of the requirements of the standards.

The amendment to § 1910.37(c)(1) adds a table to define Class A and Class B ramps. The table is derived from NFPA 10-1970. The amendment to § 1910.37(c)(3) resolves a conflict between the present provision and § 1910.23(e)(6).

The new paragraph (j) in § 1910.109 promulgates as an occupational safety or health standard a national consensus standard on small arms, so as to complete the treatment of explosives and blasting agents in § 1910.109. The provisions of the new paragraph are derived from NFPA No. 495-1970.

The other amendments either make corrections and technical adjustments or adopt provisions of national consensus standards which help the understanding

of occupational safety or health standards.

In sum, these amendments tend to perfect the occupational safety or health standards already promulgated.

The provisions of 5 U.S.C. 553, concerning notice of proposed rule making, public participation therein, and delay in effective dates, are inapplicable by virtue of the exception to 5 U.S.C. chapter 5 provided in section 6(a) of the Act. In addition, notice and public procedure are unnecessary because of the nature of the amendments.

Part 1910 is amended as follows:

1. In § 1910.24, paragraph (a) is revised to read as follows:

§ 1910.24 Fixed industrial stairs.

(a) *Application of requirements.* This section contains specifications for the safe design and construction of fixed

general industrial stairs. This classification includes interior and exterior stairs around machinery, tanks, and other equipment, and stairs leading to or from floors, platforms, or pits. This section does not apply to stairs used for fire exit purposes, to construction operations to private residences, or to articulated stairs, such as may be installed on floating roof tanks or on dock facilities, the angle of which changes with the rise and fall of the base support.

2. In § 1910.25, Tables D-2 and D-3 in paragraph (c) (2) (ii) are revised to read as follows:

§ 1910.25 Portable wood ladders.

(c) *Construction requirements.* \* \* \*

(2) *Portable stepladders.* \* \* \*

(ii) *Type 1 industrial stepladder.* \* \* \*

TABLE D-2

DIMENSIONS FOR TYPE I STEP LADDER

	Length, 12 feet and less		Length, 14 and 16 feet		Length, 18 and 20 feet	
	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails.....	3/4	3 1/4	3/4	3 1/2	1 1/16	3 1/4
Back legs.....	3/8	2 1/4	3/4	2 3/8	1 1/16	2 1/4
Steps.....	3/8	3 3/8	3/4	4 1/4	3/4	4 1/4
Tops.....	3/4	5 1/2	3/4	5 1/2	3/4	5 1/2

TABLE D-3

DIMENSIONS FOR TYPE II STEP LADDER

	Length 3 to 8 feet		Length, 10 feet		Length 12 feet	
	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails.....	3/4	2 3/4	3/4	2 3/4	3/4	3
Back legs.....	3/8	1 3/8	3/4	1 3/4	3/4	2
Steps.....	3/8	3 1/2	3/4	3 1/2	3/4	3 3/8
Tops.....	3/4	5	3/4	5	3/4	5

3. Section 1910.28 is amended by adding thereto a new paragraph (v) to read as follows:

§ 1910.28 Safety requirements for scaffolding.

(v) *Scope.* This section establishes safety requirements for the construction, operation, maintenance, and use of scaffolds used in the construction, alteration, demolition, and maintenance of buildings and structures.

4. In § 1910.37, paragraph (p) is revoked, and paragraphs (c) and (n) (1) are revised to read as follows:

§ 1910.37 Means of egress, general.

(c) *Width and capacity of means of egress.* (1) The capacity in number of persons per unit of exit width for approved components of means of egress shall be as follows:

(i) Level Egress Components (including Class A Ramps) 100 persons.

(ii) Inclined Egress Components (including Class B Ramps) 60 persons.

(iii) A ramp shall be designated as Class A or Class B in accordance with the following Table E-1:

TABLE E-1

	Class A	Class B
Width.....	44 inches and greater.	30 to 44 inches.
Slope.....	1 to 1 1/4 inches in 12 inches.	1 1/4 to 2 inches in 12 inches.
Maximum height between landings.....	No limit.	12 feet.

(2) Means of egress shall be measured in units of exit width of 22 inches. Fractions of a unit shall not be counted, except that 12 inches added to one or more full units shall be counted as one-half a unit of exit width.

(3) Units of exit width shall be measured in the clear at the narrowest point of the means of egress except that a handrail may project inside the measured width on each side not more than 5 inches and a stringer may project inside the measured width not more than 1 1/2 inches. An exit or exit access door swinging into an aisle or passageway shall not restrict the effective width thereof at any point during its swing to less than the minimum widths hereafter specified.

(n) *Alarm and fire protection systems.*

(1) Systems shall be under the supervision of a responsible person who shall

cause proper tests to be made at weekly intervals and have general charge of all alterations and additions.

(p) [Revoked]

5. In § 1910.94, paragraphs (a), (b), (c), and (d) are amended by adding thereto new subparagraphs (8), (6), (8), and (13), respectively, to read as follows:

§ 1910.94 Ventilation.

(a) *Abrasive blasting.* \* \* \*

(8) *Scope.* This paragraph (a) applies to all operations where an abrasive is forcibly applied to a surface by pneumatic or hydraulic pressure, or by centrifugal force. It does not apply to steam blasting, or steam cleaning, or hydraulic cleaning methods where work is done without the aid of abrasives.

(b) *Grinding, polishing, and buffing operations.* \* \* \*

(6) *Scope.* This paragraph (b), prescribes the use of exhaust hood enclosures and systems in removing dust, dirt, fumes, and gases generated through the grinding, polishing, or buffing of ferrous and nonferrous metals.

(c) *Spray-finishing operations.* \* \* \*

(8) *Scope.* Spray booths or spray rooms are to be used to enclose or confine all spray finishing operations covered by this paragraph (c). This paragraph does not apply to the spraying of the exteriors of buildings, fixed tanks, or similar structures, nor to small portable spraying apparatus not used repeatedly in the same location.

(d) *Open surface tanks.* \* \* \*

(13) *Scope.* (i) This paragraph (d) applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

(ii) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(iii) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

6. In § 1910.97, paragraph (a) is amended by adding thereto a new subparagraph (4) to read as follows:

§ 1910.97 Nonionizing radiation.

(a) *Electromagnetic radiation.* \* \* \*

(4) *Scope.* This section applies to all radiations originating from radio stations, radar equipment, and other possible sources of electromagnetic radiation such as used for communication, radio navigation, and industrial and scientific purposes. This section does not apply to the deliberate exposure of patients by, or under the direction of, practitioners of the healing arts.

7. In § 1910.103, paragraph (a) (2) is revised to read as follows:

§ 1910.103 Hydrogen.

(a) *General.* \* \* \*

(2) *Scope*—(i) *Gaseous hydrogen systems.* (a) Paragraph (b) of this section applies to the installation of gaseous hydrogen systems on consumer premises where the hydrogen supply to the consumer premises originates outside the consumer premises and is delivered by mobile equipment.

(b) Paragraph (b) of this section does not apply to gaseous hydrogen systems having a total hydrogen content of less than 400 cubic feet, nor to hydrogen manufacturing plants or other establishments operated by the hydrogen supplier or his agent for the purpose of storing hydrogen and refilling portable containers, trailers, mobile supply trucks, or tank cars.

(ii) *Liquefied hydrogen systems.* (a) Paragraph (c) of this section applies to the installation of liquefied hydrogen systems on consumer premises.

(b) Paragraph (c) of this section does not apply to liquefied hydrogen portable containers of less than 150 liters (39.63 gallons) capacity; nor to liquefied hydrogen manufacturing plants or other establishments operated by the hydrogen supplier or his agent for the sole purpose of storing liquefied hydrogen and refilling portable containers, trailers, mobile supply trucks, or tank cars.

8. In § 1910.104, paragraph (a) is revised to read as follows:

§ 1910.104 Oxygen.

(a) *Scope.* This section applies to the installation of bulk oxygen systems on industrial and institutional consumer premises. This section does not apply to oxygen manufacturing plants or other establishments operated by the oxygen supplier or his agent for the purpose of storing oxygen and refilling portable containers, trailers, mobile supply trucks, or tank cars, nor to systems having capacities less than those stated in paragraph (b) (1) of this section.

9. Section 1910.106 is amended by adding thereto a new paragraph (j) to read as follows:

§ 1910.106 Flammable and combustible liquids.

(j) *Scope.* This section applies to the handling, storage, and use of flammable and combustible liquids with a flash point below 200° F. This section does not apply to:

(1) Bulk transportation of flammable and combustible liquids;

(2) Storage, handling, and use of fuel oil tanks and containers connected with oil burning equipment;

(3) Storage of flammable and combustible liquids on farms;

(4) Liquids without flashpoints that may be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons;

(5) Mists, sprays, or foams, except flammable aerosols covered in paragraph (d) of this section; or

(6) Installations made in accordance with requirements of the following standards:

(i) National Fire Protection Association Standard for Drycleaning Plants, NFPA No. 32-1970;

(ii) National Fire Protection Association Standard for the Manufacture of Organic Coatings, NFPA No. 35-1970;

(iii) National Fire Protection Association Standard for Solvent Extraction Plants, NFPA No. 36-1967; or

(iv) National Fire Protection Association Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA No. 37-1970.

10. Section 1910.107 is amended by adding thereto a new paragraph (n) to read as follows:

§ 1910.107 Spray finishing using flammable and combustible materials.

(n) *Scope.* This section applies to flammable and combustible finishing materials when applied as a spray by compressed air, "airless" or "hydraulic atomization," steam, electrostatic methods, or by any other means in continuous or intermittent processes. The section also covers the application of combustible powders by powder spray guns, electrostatic powder spray guns, fluidized beds, or electrostatic fluidized beds. The section does not apply to outdoor spray application of buildings, tanks, or other similar structures, nor to small portable spraying apparatus not used repeatedly in the same location.

11. Section 1910.109 is amended by adding a new subdivision (ix) to paragraph (c) (1), and new paragraphs (j) and (k), to read as follows:

§ 1910.109 Explosives and blasting agents.

(c) *Storage of explosives*—(1) *General provisions.* \* \* \*

(ix) This paragraph (c) does not apply to:

(a) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 750,000, or of smokeless propellants in quantities less than 750 pounds;

(b) Explosive-actuated power devices when in quantities less than 50 pounds net weight of explosives;

(c) Fuse lighters and fuse igniters;

(d) Safety fuses other than cordeau detonant fuses.

(j) *Small arms ammunition, small arms primers, and small arms propellants*—(1) *Scope.* This paragraph does not apply to in-process storage and intraplant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

(2) *Small arms ammunition.* (i) No quantity limitations are imposed on the storage of small arms ammunition in warehouses, retail stores, and other general occupancy facilities, except those imposed by limitations of storage facilities.

(ii) Small arms ammunition shall be separated from flammable liquids, flammable solids as classified in 49 CFR Part 172, and from oxidizing materials, by a fire-resistive wall of 1-hour rating or by a distance of 25 feet.

(iii) Small arms ammunition shall not be stored together with Class A or Class B explosives unless the storage facility is adequate for this latter storage.

(3) *Smokeless propellants.* (i) All smokeless propellants shall be stored in shipping containers specified in 49 CFR 173.93 for smokeless propellants.

(ii) Not more than 20 pounds of smokeless propellants, in containers of 1 pound maximum capacity, shall be displayed in commercial establishments.

(iii) Commercial stocks of smokeless propellants over 20 pounds and not more than 100 pounds shall be stored in portable wooden boxes having walls of at least 1 inch nominal thickness.

(iv) Commercial stocks in quantities not to exceed 750 pounds shall be stored in nonportable storage cabinets having wooden walls of at least 1 inch nominal thickness. Not more than 400 pounds shall be permitted in any one cabinet.

(v) Quantities in excess of 750 pounds shall be stored in magazines in accordance with paragraph (c) of this section.

(4) *Small arms ammunition primers.* (i) Small arms ammunition primers shall not be stored except in the original shipping container in accordance with the requirements of 49 CFR 173.107 for small arms ammunition primers.

(ii) Not more than 10,000 small arms ammunition primers may be displayed in commercial establishments.

(iii) Small arms ammunition primers shall be separated from flammable liquids, flammable solids as classified in 49 CFR Part 172, and oxidizing materials by a fire-resistive wall of 1-hour rating or by a distance of 25 feet.

(iv) Not more than 750,000 small arms ammunition primers shall be stored in any one building, except as provided in subdivision (v) of this subparagraph. Not more than 100,000 shall be stored in any one pile. Piles shall be at least 15 feet apart.

(v) Quantities of small arms ammunition primers in excess of 750,000 shall be stored in magazines in accordance with paragraph (c) of this section.

(k) *Scope.* This section applies to the manufacture, keeping, having, storage, sale, transportation, and use of explosives, blasting agents, and pyrotechnics. This section does not apply to the sale and use (public display) of pyrotechnics, commonly known as fireworks, nor to the use of explosives in the form prescribed by the official U.S. Pharmacopeia.

12. Section 1910.110 is amended by adding thereto a new paragraph (i) to read as follows:

§ 1910.110 Storage and handling of liquefied petroleum gases.

(i) *Scope*—(1) *Application.* (i) Paragraph (b) of this section applies to installations made in accordance with the requirements of paragraphs (c), (d), (e), (g), and (h) of this section, except as noted in each of those paragraphs.

(ii) Paragraphs (c) through (h) of this section apply as provided in each of those paragraphs.

(2) *Inapplicability.* This section does not apply to:

(i) Marine and pipeline terminals, natural gas processing plants, refineries, or tank farms other than those at industrial sites.

(ii) LP-Gas refrigerated storage systems;

(iii) LP-Gas when used with oxygen. The requirements of § 1910.252 shall apply to such use;

(iv) LP-Gas when used in utility gas plants. The National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59-1968, shall apply to such use;

(v) Low-pressure (not in excess of one-half pound per square inch or 14 inches water column) LP-Gas piping systems, and the installation and operation of residential and commercial appliances including their inlet connections, supplied through such systems. For such systems, the National Fire Protection Association Standard for the Installation of Gas Appliances and Gas Piping, NFPA 54-1969 shall apply.

(3) *Retroactivity.* Unless otherwise stated, it is not intended that the provisions of this section be retroactive.

(i) Existing plants, appliances, equipment, buildings, structures, and installations for the storage, handling or use of LP-Gas, which were in compliance with the current provisions of the National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58, at the time of manufacture or installation may be continued in use, if such continued use does not constitute a recognized hazard that is causing or is likely to cause death or serious physical harm to employees.

(ii) Stocks of equipment and appliances on hand in such locations as manufacturers' storage, distribution warehouses, and dealers' storage and showrooms, which were in compliance with the current provisions of the National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases, NFPA No. 58,

at the time of manufacture, may be placed in service, if such use does not constitute a recognized hazard that is causing or is likely to cause death or serious physical harm to employees.

13. In § 1910.157, paragraph (c) (3) is amended by adding a note under Table L-2 in subdivision (i), to read as follows:

§ 1910.157 Portable fire extinguishers.

(c) *Distribution of portable fire extinguishers.* \* \* \*

(3) *Fire extinguisher size and placement for Class B fires other than for fires in flammable liquids of appreciable depth.* (i) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L-2. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L-2.

TABLE L-2

Type of hazard	Basic minimum extinguisher rating	Maximum travel distance to extinguishers (feet)
Light.....	4B	50
Ordinary.....	8B	50
Extra.....	12B	50

NOTE: Where this section calls for minimum extinguisher ratings of 4-B, 8-B, or 12-B, the requirements may be met by existing extinguishers of multiple foam extinguishers as allowed by paragraph (e)(3)(ii) of this section. However, if a single extinguisher must be purchased to fulfill such requirements, the next higher rating shall be used.

14. In § 1910.163, paragraph (c) is revised to read as follows:

§ 1910.163 Local fire alarm signaling systems.

(c) *Maintenance.* All systems shall be under the supervision of qualified persons. These persons shall cause tests and inspections to be made at weekly intervals, and shall have general charge of all alterations and additions to the systems under their supervision.

15. In § 1910.215, paragraph (a) is amended by adding thereto a new subparagraph (5) to read as follows:

§ 1910.215 Abrasive wheel machinery.

(a) *General requirements.* \* \* \*

(5) *Excluded machinery.* Natural sandstone wheels and metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface are not covered by this section.

(84 Stat. 1593, 1600; 29 U.S.C. 655, 657, 29 CFR 1910.4)

*Effective dates.* The amendment adding new paragraph (j) to § 1910.109 shall become effective on April 30, 1972. All the other amendments shall become effective on publication in the FEDERAL REGISTER (3-31-72).

Signed at Washington, D.C., this 27th day of March 1972.

G. C. GUENTHER,  
Assistant Secretary of Labor.

[FR Doc.72-4957 Filed 3-30-72;8:51 am]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,  
Department of the Army

### PART 207—NAVIGATION REGULATIONS

Columbia and Snake Rivers, Wash.  
and Ore.; Correction

In F.R. Doc. 72-2541, appearing at page 3750 in the issue of Saturday, February 19, 1972, the table in paragraph (e) of § 207.718, opposite the word "Bonneville" the downstream gate still elevation is corrected to read: -16.0.

For the Adjutant General.

R. B. BELNAP,  
Special Advisor to TAG.

[FR Doc.72-4911 Filed 3-30-72;8:45 am]

## Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

### SUBCHAPTER E—PESTICIDES PROGRAMS

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Carbophenothion

A petition (PP 1F1108) was filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the insecticide carbophenothion in or on the raw agricultural commodities beans (dried), pecans, and walnuts at 0.1 part per million.

Subsequently, the petitioner amended the petition by proposing that the residues of the insecticide be expressed as carbophenothion (*S*-1(*p*-chlorophenylthio)methyl) *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. The established tolerances in the fat of cattle, goats, hogs, and sheep at 0.1 part per million are adequate to cover any transfer of residues.

3. The proposed usage is not reasonably expected to result in residues of the

insecticide in eggs, meat (free from fat), milk, and poultry. With respect to these animal products, the usage is classified in the category specified in § 180.6 (a) (3).

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act. (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended as follows:

1. In § 180.3(e) (5), by revising the item "Carbophenothion \* \* \*" in the list of cholinesterase-inhibiting pesticides, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

- (e) \* \* \*
- (5) \* \* \*

Carbophenothion (S-[p-chlorophenylthio)methyl] O,O-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites.

2. In § 180.156, by revising the introductory paragraph and by inserting a new paragraph "0.1 part per million \* \* \*" before the paragraph "Zero in milk", as follows:

§ 180.156 Carbophenothion; tolerances for residues.

Tolerances for combined residues of the insecticide carbophenothion (S-[p-chlorophenylthio)methyl] O,O-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities are established as follows:

0.1 part per million (negligible residue) in or on beans (dry), pecans, and walnuts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (3-31-72).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2))

Dated: March 24, 1972.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc.72-4904 Filed 3-30-72;8:48 am]

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**O,S-Dimethyl Phosphoramidothioate**

A petition (PP 0F0956) was filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide O,S-dimethyl phosphoramidothioate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, and lettuce at 1 part per million and cottonseed and potatoes at 0.1 part per million (negligible residue).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.
2. The proposed usage is not reasonably expected to result in residues of the insecticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a) (3).
3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended as follows:

1. In § 180.3(e) (5), by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

- (e) \* \* \*
- (5) \* \* \*

O,S-Dimethyl phosphoramidothioate.

2. In Subpart C, by adding a new section as follows:

§ 180.315 O,S-Dimethyl phosphoramidothioate; tolerances for residues.

Tolerances are established for residues of the insecticide O,S-dimethyl phosphoramidothioate in or on raw agricultural commodities as follows:

1 part per million in or on broccoli, brussels sprouts, cabbage, cauliflower, and lettuce.

0.1 part per million (negligible residue) in or on cottonseed and potatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (3-31-72).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2))

Dated: March 24, 1972.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc.72-4906 Filed 3-30-72;8:48 am]

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Ethion**

A petition (PP 1F1104) was filed by FMC Corp., 100 Niagara Street, Middletown, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide ethion (O,O,O',O'-tetraethyl S,S'-methylene bisphosphorodithioate) and its oxygen analog (S-[[(diethoxyphosphinothioyl)thio]methyl] O,O-diethyl phosphorothioate) in or on the raw agricultural commodities corn fodder and forage at 14 parts per million and corn grain at 0.1 part per million (negligible residue).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to

Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are being established.

2. Established tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from the established and proposed uses. The uses are in the category specified in § 180.6(a) (1).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.173 is amended by inserting a new paragraph "14 parts per million \* \* \*" before the paragraph "5 parts per million \* \* \*" and by inserting a new paragraph "0.1 part per million (negligible residue) \* \* \*" after the paragraph "0.1 part per million in or on almonds \* \* \*", as follows:

§ 180.173 Ethion; tolerances for residues.

14 parts per million in or on corn fodder and forage \* \* \*

0.1 part per million (negligible residue) in or on corn grain.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (3-31-72).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2))

Dated: March 24, 1972.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc.72-4905 Filed 3-30-72; 8:48 am]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Subpart D—Exemptions From Tolerances

XYLENE AND TOLUENE SULFONIC ACIDS (AND THEIR AMMONIUM, CALCIUM, MAGNESIUM, POTASSIUM, SODIUM, AND ZINC SALTS)

A petition (PP 1F1116) was filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of tolerances for residues of xylene and toluene sulfonic acids (and their ammonium, calcium, magnesium, potassium, sodium, and zinc salts) when used as inert ingredients in pesticide formulations applied to growing crops.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the pesticides are useful and exemptions established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by alphabetically inserting a new item in paragraph (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

Inert Ingredients	Limits	Uses
***	***	***
Toluene sulfonic acid and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts.	-----	Surfactants, related adjuvants of surfactants.
***	***	***
Xylene sulfonic acid and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts.	-----	Do.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington,

DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (3-31-72).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2))

Dated: March 27, 1972.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc.72-4907 Filed 3-30-72; 8:48 am]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Subpart D—Exemptions from Tolerances

IODINE-DETERGENT COMPLEX

A petition (PP 1F1077) was filed by West Chemical Products, Inc., 42-16 West Street, Long Island City, NY 11101, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of a tolerance for residues of the following pesticide in eggs and poultry when used as a sanitizer in poultry drinking water at specified concentrations: An aqueous solution of hydriodic acid and elemental iodine admixed with one or both of the surfactants (a) polyoxypropylene-polyoxyethylene glycol nonionic block polymers (minimum average molecular weight 1,900) and (b)  $\alpha$ -(p-nonylphenyl)- $\omega$ -hydroxypoly (oxyethylene) having a maximum average molecular weight of 748 and in which the nonyl group is a propylene trimer isomer.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the complex is useful for the purpose for which an exemption is being established and that the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21

U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended by adding to Subpart D the following new section:

**§ 180.1022 Iodine-detergent complex; exemption from the requirement of a tolerance.**

The aqueous solution of hydriodic acid and elemental iodine, including one or both of the surfactants (a) polyoxypropylene-polyoxyethylene glycol nonionic block polymers (minimum average molecular weight 1,900) and (b)  $\alpha$ -(*p*-nonylphenyl) - *omega* - hydroxyethyl poly (oxyethylene) having a maximum average molecular weight of 748 and in which the nonyl group is a propylene trimer isomer, is exempted from the requirement of a tolerance for residues in eggs and poultry when used as a sanitizer in poultry drinking water.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on its date of publication in the FEDERAL REGISTER (3-31-72).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2))

Dated: March 27, 1972.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc. 72-4908 Filed 3-30-72; 8:48 am]

**Title 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

[Docket No. 19389; FCC 72-269]

**PART 73—RADIO BROADCAST SERVICES**

**Television Broadcast Stations; Bethel, Alaska**

**Report and order.** In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Bethel, Alaska), Docket No. 19389, RM-1860.

1. The Commission has before it for consideration the proposal to assign television Channel \*4 at Bethel, Alaska, for reserved noncommercial educational use upon which comments were invited in response to a petition of Bethel Broadcasters, Inc., permittee of Station KYUK, a noncommercial educational AM station at Bethel. (See Notice of Proposed Rule Making, released herein on January 7, 1972, FCC 72-14, and published January 13, 1972, in the FEDERAL REGISTER at 37 F.R. 539.) The petitioner, the only party filing comments in response to the Notice, urges that the proposed assignment at Bethel be made.

2. Bethel (1970 population, 2,516) is the largest city in the sparsely populated Yukon-Kuskokwim peninsula area of Alaska. As the Notice informed, this peninsula area is presently without television assignments and service, or, in the absence of an assignment, the prospect of television service, since the nearest Alaskan cities with television assignments and stations (Anchorage, Fairbanks, and Seward) are more than 300 miles from the Bethel area. From the petitioner's showing, it appears that a local educational television service would serve a need at Bethel and in this peninsula area of Alaska. It also appears that, once a reserved television assignment is made available at Bethel, Bethel Broadcasters, which functions under the aegis of the Alaska Educational Broadcasting Commission, intends to make prompt application for its use to provide such a service to the area, relying upon the Department of Health, Education, and Welfare and the State of Alaska for funding of the operation.

3. We therefore are of the view that it would be in the public interest to provide an opportunity for the Bethel area to have a first local educational television service by assigning a channel there for such use. Proposed Channel 4 would be a satisfactory assignment, we believe, since it can be assigned and used at Bethel in conformity with all mileage separation requirements and without affecting any other assignment or station.

4. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective May 9, 1972, the Television Table of Assignments, § 73.606(b) of the Rules, is amended to read as follows for the city listed below:

City	Channel No.
Bethel, Alaska.....	*4

5. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>  
[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 72-4969 Filed 3-30-72; 8:50 am]

<sup>1</sup> Commissioners Robert E. Lee and Johnson absent.

[Docket No. 19244; FCC 72-266]

**PART 73—RADIO BROADCAST SERVICES**

**FM Broadcast Stations; Canandaigua and Geneva, N.Y.**

**Report and order.** In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Canandaigua and Geneva, N.Y.), Docket No. 19244, RM-1632.

1. The Commission has before it for consideration the FM proposal upon which comments were invited in the notice of proposed rule making, released herein on May 3, 1971 (FCC 71-440, and published May 6, 1971, in the FEDERAL REGISTER at 36 F.R. 8456. The proposal, advanced by Canandaigua Broadcasting Company, Inc. (Canandaigua Broadcasting), licensee of daytime-only Station WCGR(AM), Canandaigua, N.Y., would amend the FM Table of Assignments, § 73.202(b) of the Rules, to assign Channel 272A at Canandaigua for a first FM assignment by substituting Channel 269A (unoccupied<sup>1</sup>) for Channel 272A at Geneva, N.Y., as follows:

City	Channel No.	
	Present	Proposed
Canandaigua, N.Y.....		272A
Geneva, N.Y.....	272A	269A

2. This proposal, the Notice informed, would require use of the proposed Geneva Channel 269A assignment in an area about 3 miles northeast of the Geneva reference point in order to meet required spacings from FM assignments at Rochester (Channel 267, occupied by Station WNYR-FM) and at Owego (Channel 269A), as well as the concurrence of the Canadian Government to the proposed assignments. By letter of May 27, the Canadian Government advised that it has no objection to the proposed Canandaigua and Geneva assignments. It also now appears that the proposed Geneva Channel 269A assignment would meet mileage separation requirements for assignment and use not only in an area to the northeast of Geneva but in Geneva itself and in the area to the east, as well as south of Geneva, also. This is due to our authorization on January 17, 1972, of a new station on the Owego Channel 269A assignment at a transmitter site approximately 6 miles southeast of Owego.<sup>2</sup> This permits use of that site rather than the Owego post office as the reference point for the Owego Channel 269A assignment, thereby providing an additional 6 miles spacing between the proposed Geneva and the occupied Owego 269A assignment.

3. The petitioner, Canandaigua Broadcasting, filed comments, and also reply comments, in support of its Canandaigua

<sup>1</sup> While unoccupied, there are two applications on file for Channel 272A at Geneva. These conflicting applications were filed by Taylor Aviation, Inc., on February 25, 1971 (BPH-7417) and by Radio Geneva, Inc., licensee of Station WGVA(AM), Geneva, on September 24, 1971 (BPH-7645).

<sup>2</sup> WEBO Radio, Inc., BPH-7650.

Channel 272A proposal, stating that it intends to apply for use of Channel 272A at Canandaigua if it is assigned there. The two Geneva Channel 272A applicants, Radio Geneva, Inc., and Taylor Aviation, Inc., also filed comments in which they oppose the proposal essentially only insofar as it would prevent them from utilizing their intended transmitter sites for a proposed Geneva Channel 272A operation for use in operation on Channel 269A as well. Several resolutions and numerous letters supporting the proposed FM assignment at Canandaigua were also received from Canandaigua and other local and county (Ontario) governing bodies and officials, public agencies, civic, educational, religious, business organizations and groups, and individuals in the area. Among these supporters were the Common Council, the Mayor, the City Manager, and the Superintendent of Schools of Canandaigua, the Mayors of Geneva and of Shortsville, N.Y., the Town Board of Farmington, N.Y., the Supervisor of East Bloomfield, N.Y., the Ontario County Board of Supervisors, the Planning Administrator and Civil Defense Director of Ontario County, the Ontario County Planning Board, the President of Community College of the Finger Lakes at Canandaigua, the Principal of Canandaigua Academy, and Assemblyman Frederick L. Warder. Taylor Aviation also submitted a letter from the Geneva Area Chamber of Commerce which urges that the industrial growth in Geneva justifies retention of the Geneva Channel 272A assignment. However, the Chamber's letter does not indicate that it was aware that a replacement for the Geneva Channel 272A assignment was proposed.

4. According to the 1970 U.S. census, Canandaigua has a population of 10,488, and Geneva, located approximately 15 miles east of Canandaigua, has a population of 16,793. Ontario County, in which both communities are located and of which Canandaigua is the seat, has a population of 78,849. This represents an 11.9 percent increase in population for Canandaigua since 1960; a 2.9 percent decline in population for Geneva since 1960; and a 15.8 percent increase in population for Ontario County as a whole since 1960. There are two AM stations in operation in Ontario County, one of which is Canandaigua Broadcasting's daytime-only station (WGVA) at Canandaigua. The other is Radio Geneva's AM station (WGVA) at Geneva. There are also two FM channel assignments in the county, one of which is Channel 236, assigned to South Bristol Township and occupied by Station WMIV. The other is Channel 272A, assigned at Geneva, and sought by the two noted applicants, Radio Geneva and Taylor Aviation.

5. It appears from Canandaigua Broadcasting's showing, and also from the resolutions and letters received, that Canandaigua has further growth potential, both population-wise and industrially; that there is considerable public support for an FM station at Canandaigua; and that an FM assignment there would serve a demand and need for a

first local FM and nighttime aural service. We therefore believe that the public interest would be served by providing Canandaigua with an FM assignment. There is no unused FM channel available, however, which could be assigned. Of all other possibilities for accomplishing that end by changing existing assignments, Canandaigua Broadcasting's proposal, we believe, is the most feasible since the move of Channel 272A from Geneva to Canandaigua will not disturb an existing station, and a replacement can be provided for Channel 272A at Geneva (Channel 269A) so as not to deprive it of the opportunity for a first local FM station.

6. In initially considering this Canandaigua proposal, we had two major concerns, both of which have lost significance since this rule making proceeding was instituted. One was that the proposed assignments might be objectionable to Canada since moving Channel 272A from Geneva to Canandaigua would increase by approximately 3 miles the short spacing which now exists between Channel 272A at Geneva and Channel 272B at Belleville, Ontario. This ground for concern is baseless in light of the favorable word we have received from Canadian authorities on the proposed assignments.

7. Our other concern was that, even though the proposal was technically feasible and would not be objectionable because of its preclusionary effect on assignments elsewhere, Channel 269A might not be a suitable replacement for the Geneva Channel 272A assignment because of the limited area meeting spacing requirements where the transmitter for a Geneva Channel 269A operation could be located. Due to the mileage separations required from the Rochester Channel 267 assignment (WNYR-FM) and the then unoccupied Owego Channel 269A assignment, it appeared that only a small area at least 3 miles northeast of Geneva would be technically feasible for a Channel 269A transmitter site. This northeast area is, according to Taylor Aviation's report on its survey of the area, mostly marshland and largely unsuitable for an FM transmitter site. In any case, this ground for concern no longer exists since, now that a new Owego Channel 269A station has been authorized for use at a transmitter site approximately 6 miles southeast of Owego, the possible areas for locating a transmitter for a Geneva Channel 269A operation meeting spacing requirements have been expanded to include Geneva itself and an area to the east and south of the city. We therefore believe that site limitations for a Channel 269A operation to serve Geneva would not be unduly restrictive and that the channel would be a suitable replacement for the Geneva Channel 272A assignment.

8. Even though the additional spacing between the proposed Geneva and the occupied Owego Channel 269A assignments would increase the available area for location of a Channel 269A transmitter to serve Geneva, the transmitter sites proposed by the Geneva Channel

272A applicants for their operations would not meet required spacings for sites for Channel 269A operations to serve Geneva if Channel 272A is moved to Canandaigua. The proposed Taylor Aviation Channel 272A site, approximately 7.5 miles southwest of Geneva in Stanley, N.Y., would be approximately 2.5 miles short-spaced to the Rochester Channel 267 station (WNYR-FM). It would also be less than the required 15 miles separation from the city reference point for Channel 272A at Canandaigua, as well as from the site of Canandaigua Broadcasting's AM station (WGCR), about 2 miles east of the city, where Canandaigua indicated in its petition it contemplated locating its transmitter for a Channel 272A FM operation. Radio Geneva's proposed Channel 272A site, located at the site for its AM station (WGVA), approximately 1 mile southwest of Geneva, would also not meet spacing requirements from the city or contemplated station (WGCR site) reference point for a Canandaigua Channel 272A assignment. Consequently, Taylor Aviation opposes the proposed assignments for Canandaigua and Geneva, proposing alternatively, that if made, the usage of the Canandaigua Channel 272A assignment should be limited to permit use of Channel 269A at the site proposed for its Channel 272A operation. Radio Geneva also opposes the proposal unless it is conditioned upon permitting use of its proposed Channel 272A site for a Channel 269A operation, either by waiver of the minimum separation requirement or by requiring the location of the transmitter for a Canandaigua Channel 272A operation on the west side of Canandaigua to meet spacing requirements. Both Geneva applicants argue that their proposed Channel 272A site are ideally suited for serving Geneva and necessary for economically feasible operations.

9. In its reply comments, Canandaigua Broadcasting states that it "is not wedded to the WGCR existing site" as one for a proposed Channel 272A operation to serve Canandaigua and that it would offer every cooperation to Radio Geneva, Taylor Aviation, or other Channel 269A applicants at Geneva in resolving any short spacing problems which might be presented. It avers, however, that any specific short-spaced proposals can be more realistically considered and dealt with after the assignments are made in connection with applications filed for them rather than in this rule making proceeding. We agree.

10. In rule making proceedings such as this, our main objective is to determine whether the public interest would be served by adoption of an assignment proposal. We do not consider it necessary or desirable policy to consider in conjunction therewith specific proposals for use of a proposed assignment at short spacing when it can be made and used to serve the city of assignment in conformity with all separation requirements. The better policy, we believe, and the one followed, is to consider and deal with such proposals when advanced in conjunction with an application filed for the

new assignment or assignments. There is no reason to depart from that policy in this case.

11. The proposal to move Channel 272A from Geneva to Canandaigua, and to replace Channel 272A with Channel 269A at Geneva, has public interest value and is worthy of adoption, in our view, because it is a reasonable and technically feasible means of providing opportunity for Canandaigua, as well as Geneva, to have a first FM assignment and an opportunity for a first local FM service. Since the proposed assignments can be made in full conformity with all spacing requirements, we believe they should be made without restriction as to use.

12. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective May 9, 1972, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the cities listed below:

City	Channel No.
Canandaigua, N.Y.	272A
Geneva, N.Y.	269A

13. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE, Secretary.

[FR Doc.72-4970 Filed 3-30-72; 8:50 am]

[Docket No. 19261; FCC 72-264]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Certain Cities in Georgia

*Report and order.* In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Sparta, Elberton, Claxton, Louisville, Washington, and Forsyth, Ga.), Docket No. 19262; RM-1706, RM-1743, RM-1833.

1. The Commission here considers the notice of proposed rule making in Docket No. 19262, adopted June 16, 1971 (36 F.R. 12039), proposing amendment of the FM Table of Assignments (§ 73.202 (b) of the rules) with respect to Sparta, Ga. (RM-1706), and Elberton, Ga. (RM-1743), and related changes in other communities. The following filed comments: Hancock Committee for Social and Economic Development (Hancock Committee), the petitioner in RM-1706; Elberton Broadcasting Co., Inc. (Elberton Broadcasting), the petitioner in RM-1743; Peach Broadcasting, Inc., the licensee of radio Station WPEH-FM Channel

221A, Louisville, Ga.; Better Broadcasting, Inc., licensee of Station WLOV-FM, Channel 261A, Washington, Ga.; and Carmen D. Trevitt, petitioner in RM-1833. All population figures are taken from the 1970 U.S. census.

2. Both Hancock Committee and Elberton Broadcasting had filed counterproposals in Docket No. 19144, but because of a conflict, it was deemed appropriate to put these proposals out for separate rule making; see Report and Order in Docket No. 19144, paragraph 5, 30 FCC 2d 180 at 182 (1971). As pointed out in the notice, Hancock Committee is interested in the assignment of an FM channel to Sparta, population 2,172, the seat of Hancock County, population 9,019. Neither the city nor the county have any other broadcast stations nor is there an FM channel assigned anywhere in the county. Elberton Broadcasting, the licensee of Class IV full-time AM Station WSGC at Elberton, sought assignment of Channel 221A as a first FM assignment at Elberton, population 6,438, located in Elberton County, population 17,262. We noted that there were no other broadcast stations or FM assignments in that county. RM-1833 is the petition of Carmen D. Trevitt seeking the assignment of FM Channel 261A to Forsyth, Ga. Forsyth, population 3,736, is located in Monroe County, population 10,991.

3. The notice considered three plans, but Hancock Committee has withdrawn the first one, which involved Louisville and Washington. In the circumstance, no further comment need be made about the comments of Peach Broadcasting, Inc., and Better Broadcasting, Inc. The other plans differ only as to the substitute channel for Waynesboro, Ga. These proposals together with that for Forsyth are as follows:

City	Channel No.	
	Present	Proposed
Sparta, Ga.		228A
Waynesboro, Ga.	228A	296A or 265A
Elberton, Ga.		221A
Forsyth, Ga.		261A

RM-1833 is being considered here because Trevitt's petition was considered as comments in this proceeding; more specifically, the proposal would have been considered in connection with the plan now abandoned by Hancock Committee.

4. The issues more or less are those as set out in the notice. From a technical viewpoint the assignment of Channel 221A to Elberton can only be made if there is a substitution for Channel 228A at Waynesboro. This can be accomplished by substituting either Channel 296A or 265A at Waynesboro and changing the requested Sparta assignment from 261A to 228A. The proposed changes are unopposed. Elberton Broadcasting has advanced additional arguments as to the assignment of Channel 221A to Elberton concerning the availability of a transmitter site for that channel at El-

berton because it has to be at least 6.5 miles southwest of Elberton in a small area in order to meet spacing to Station WESC-FM, Greenville, S.C. Broadcasting Company of the Carolinas, the licensee of Station WESC-FM, filed a "conditional opposition" to the petition contending that Elberton Broadcasting's proposal would restrict further improvement of its own facilities, specifically, the possibility of the latter utilizing Glassy Mountain, about 3 miles closer to Elberton. At the time Elberton Broadcasting had reached a reciprocal agreement with WESC-FM not to oppose any request for waiver of § 73.207 of the rules, but the notice stated that no agreement by the parties to accept short spacings would be binding on the Commission. Station WESC-FM did not file comments. Elberton Broadcasting has also adequately shown that there would be little, if any, adverse impact on educational channels in the area.

5. While it seems to be immaterial whether Channel 265A or Channel 296A is assigned to Waynesboro (the former has to be 1 mile south of the reference point and the latter 1 mile north of the reference point), it appears that the slightly better assignment would be Channel 265A because less possible mileage restriction choice of transmitter site(s). Nor may the other assignments be made at reference points. Channel 228A has to be at least 5 miles east of Sparta; Channel 261A has to be at least 7 miles southeast of Forsyth; and, as already noted, 221A must be at least 6.5 miles southwest of Elberton.

6. We find that the public interest, convenience, and necessity would be met by assigning the channels to the named communities. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. In accordance with the foregoing, *It is ordered*, That effective May 9, 1972, the FM Table of Assignments (§ 73.202 (b) of the rules) is amended with respect to the cities listed below to read as follows:

City	Channel No.
Sparta, Ga.	228A
Waynesboro, Ga.	265A
Elberton, Ga.	221A
Forsyth, Ga.	261A

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE, Secretary.

[FR Doc.72-4967 Filed 3-30-72; 8:50 am]

<sup>1</sup> Commissioners Robert E. Lee and Johnson absent.

<sup>1</sup> Commissioners Robert E. Lee and Johnson absent.

[Docket No. 19315; FCC 72-267]

**PART 73—RADIO BROADCAST SERVICES****FM Broadcast Stations in Certain Cities**

*Report and Order.* In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Hilton Head Island, S.C., Onawa, Iowa, Emmett, Idaho, Clinton, Miss., Wanchese, N.C., Kewaunee, Wis., Sullivan, Ill.), Docket No. 19315, RM-1763, RM-1764, RM-1770, RM-1778, RM-1781, RM-1794, and RM-1808.

1. On September 8, 1971, the Commission adopted a notice of proposed rule making (FCC 71-954, released September 13, 1971) in the above-entitled matter. The notice afforded interested parties an opportunity to comment on or before October 22, 1971, and to reply to such comments on or before November 2, 1971. Various extensions of time for filing comments and/or reply comments were granted in respect to specific proposals. All comments filed are listed in connection with the below set out discussion of specific proposals.

2. The notice discussed the amendment of § 73.202 of our Rules in respect to seven FM channel allocations. Each will be discussed seriatim below. All population statistics cited herein, unless otherwise noted, are from the 1970 U.S. Census.

**RM-1763, HILTON HEAD ISLAND, SOUTH CAROLINA**

3. On December 11, 1970, Hilton Head Broadcasting Co. (Hilton) filed a petition requesting the assignment of FM Channel 298C to Hilton Head Island, S.C. which was amended on March 8, 1971 to request the assignment of Channel 292A or Channel 285A rather than Channel 298C. The notice of proposed rule making in this proceeding proposed the assignment of Channel 292A or Channel 285A. No other revisions in our FM Table of Assignments were proposed concerning the allocation at Hilton Head Island. The only comments received were from Mr. DeLyle B. Medlin and J. Henry & Associates. Both supported a first FM assignment on the Island.

4. Beaufort County, S.C. has a population of 51,136 persons. Part of the county is composed of Hilton Head Island which lies in the Atlantic off the coast of South Carolina. The only population figures we have for the island, which appear to be dependable, are those in a comment which states that the island contains 4,402 year-round residents.<sup>1</sup> There is no FM channel assigned to the community nor is there any standard broadcast facility located there.

5. The comments describe the community of Hilton Head Island as containing approximately 42½ square miles, located on an island 12¼ miles long and

<sup>1</sup> The comments bases its population estimate on factors such as the number of checking accounts at local banks which have Hilton Head Island residents listed and postal statistics.

5¼ miles wide, at its widest point. It is pointed out that the nearest metropolitan areas, Savannah, Ga. and Beaufort, S.C., are each 32 miles from the island by road. Basically, the comments describe the community as one which not only contains a significant year-round population but in addition receives an estimated 125,000 to 150,000 vacationing visitors each year. The pleadings indicate that the population of the island is isolated from major communities and that, as a result of such isolation and the growth in population on the island, there has developed a significant local business community. Statistics are offered which indicate a local community of interest and the existence of a community spirit. With respect to the preclusionary effect of the assignment of Channel 292A, the comments offer a showing that its assignment to Hilton Head Island would not have an adverse effect on other communities in that the pertinent other communities would still have available to them other Class A or Class B assignments or that other communities which could possibly be affected do already have local service.

6. In light of the showings made, which indicate that Hilton Head Island: Contains a significant population; is a community both in the sociological and commercial sense; and requires a first local voice for rapid mass communications and the dissemination of news, information and entertainment; we find that it is in the public interest to assign Channel 292A to Hilton Head Island, S.C.

**RM-1764, ONAWA, IOWA**

7. FM Channel 292A was requested to be assigned to Onawa, Iowa in the petition of MoVal Enterprises (MoVal) filed with the Commission on February 23, 1971. With the petition before us, our Notice proposed to assign Channel 292A to Onawa. No existing FM allocations need to be disturbed to make the assignment. The only comment received was a resubmission of the original petition from MoVal. No opposing comments were filed.

8. Onawa, Iowa, the largest city and county seat of Monona County (population 12,069) has 3,154 residents. Our FM Table of Assignments contains no allocation for Onawa. No standard broadcast station is licensed in the community.

9. The filing in this rule making primarily is concerned with the technical feasibility of assigning FM Channel 292A to Onawa. In examining the matter, in order to make the necessary public interest finding, we note that the community is significant in size and that it has no means of rapid mass local communications. As the largest town in its county it is the center for the commercial and social life of the surrounding area and as the county seat of Monona County, Onawa serves as a focal point for the county's governmental administration.

10. In view of the size and role of Onawa and the lack of any local radio service in the community as well as the

public interest principle of attempting to bring local radio to as many communities as possible, we find that it is in the public interest to assign Channel 292A to Onawa, Iowa.

**RM-1778, CLINTON, MISS.**

11. The Notice of Proposed Rule Making in this proceeding proposed to assign FM Channel 228A to Clinton, Miss. This is in response to a petition filed by Mississippi College (College) on April 8, 1971. No other revisions in our FM Table of Assignments were proposed in connection with this rule making, RM-1778. No opposing comments were filed; however, supporting statements were received from petitioner and Mr. Thomas E. Webb.

12. Clinton, Miss., is located in Hinds County, Miss., respective populations, 7,246 and 214,973. No radio station of any kind is licensed in Clinton nor is there an FM channel allocated to the community, at the present time.

13. With respect to the community of Clinton petitioner, after noting the city's size, asserts that it is Mississippi's fastest growing city. It is forwarded that the community needs and deserves a first local broadcast service. Although Clinton is within the Standard Metropolitan Statistical Area of Jackson, Miss., petitioner points out that the community is an entity unto itself with its own school system, college, business district, and local government. Both College and Mr. Webb are interested in establishing a commercial broadcast service on Channel 228A if assigned to Clinton.<sup>2</sup> College, for example, states that there is a need in the community for entertainment and community affairs programming. In addition College suggests that a station located in Clinton could be used, in part, to train students attending the institution. In regard to the question of preclusionary effect of the assignment of Channel 228A to Clinton, petitioner states its—

\* \* \* engineering study indicates that all of the communities in the preclusion area which are of substantial size (population over 2,500) have AM or AM/FM facilities or allocations, except for Morton, Miss., for which FM Channel 292A is available for allocation \* \* \*

The engineering study offered by petitioner appears to be correct.

14. We find that it is in the public interest to assign Channel 228A to Clinton, Miss., since there is a substantial interest in establishing a first local broadcast service in the community, the people of Clinton and Mississippi College apparently desire such a service, and no other community is deprived of a potential for local service by the assignment.

<sup>2</sup> Mr. Webb specifically requests that Channel 228A, if assigned to Clinton, not be reserved for noncommercial educational use. We are not making such a reservation in this instance since both Mr. Webb and petitioner wish to broadcast commercially—the College expects to broadcast enough commercial material to provide sufficient revenue to operate the station.

## RM-1781, WANCHESE, N.C.

15. On April 9, 1971, Mr. Douglas L. Craddock and Mr. Lacy Phil Wicker doing business as Outer Banks Radio Co. (Outer Banks) filed a petition requesting the assignment of FM Channel 237A or FM Channel 244A to Wanchese, N.C. The notice of proposed rule making in this proceeding proposed the assignment of Channel 237A to Wanchese. No other revisions in our FM Table of Assignments were proposed concerning the allocation at Wanchese. The only comment received was that of Outer Banks which supported the assignment.

16. Dare County, N.C., has a population of 6,995 persons. Wanchese is located in the county and has a population of 800 residents according to the 1971 Commercial Atlas & Marketing Guide, One-Hundred and Second Edition, Rand McNally & Co. There is no FM channel assigned to the community. One standard broadcast station is licensed at Wanchese—petitioner's station. WOBR—which operates only during daytime hours with a power of 250 watts.

## 17. Petitioner states:

Wanchese is centrally located in Dare County, which consists of some mainland area, Roanoke Island, and a long stretch of the Outer Banks. Wanchese is within 4 miles of Manteo, a community of approximately equal size and the county seat of Dare County. The well known Lost Colony Pageant, performed at Fort Raleigh on Roanoke Island, attracts thousands of visitors every year, as does the exhibit at the site of the Wright Brothers' first flight, and the excellent fishing and recreation possibilities, along with the unspoiled miles of beaches and sand dunes. The area is one of the last of the unspoiled coastal stretches in the eastern United States, within reach of major population centers, and its continued growth is assured.

Outer Banks also brings to our attention the fact that the one broadcast station in the county, petitioner's daytime-only WOBR, cannot serve the area during evening, nighttime, or early morning hours and that, except for the summer, local broadcast service is fairly severely limited. According to petitioner no daily newspaper is published in Dare County.

18. In light of the showing made by Outer Banks, i.e., the present absence of early morning and evening local broadcast service, the annual influx of tourists to whom a local radio station may be the only available source of regional information, the absence of a local daily newspaper, and the present and likely future growth of population in the Dare County-Outer Banks area as well as the obvious assistance a full-time local radio service could be at times of emergency, such as severe Atlantic storms, we find that it is in the public interest to assign FM Channel 237A to Wanchese, N.C.

## RM-1794, KEWAUNEE, WIS.

19. FM Channel 224A was requested to be assigned to Kewaunee, Wis., in the petition of Harbor Cities Broadcasting, Inc. (Harbor), filed with the Commission on May 12, 1971. With the petition before

us, our notice proposed to assign Channel 224A to Kewaunee. No existing FM allocations need to be disturbed to make the assignment. The only comment filed was the supporting comment of petitioner. No oppositions were received.

20. Kewaunee, Wis., the county seat of Kewaunee County (population 18,961) has 2,901 residents. Our FM Table of Assignments contains no allocation for Kewaunee. No standard broadcast station is licensed in the community.

21. The brief, pertinent and complete filings in this proceeding contain the following two statements which clearly set forth Harbor's reasons for advancing the assignment of FM Channel 224A to Kewaunee.

Kewaunee is located on the west bank of Lake Michigan. It is the northernmost port city on the bank of Lake Michigan providing year-round port facilities for auto/train ferries and other commercial vessels plying the lake. The total retail sales for Kewaunee County were estimated at \$23,615,000 in 1970. Kewaunee City has shown a remarkable growth in retail sales. In 1963, retail sales amounted to \$4,010,000; in 1967, the figure reached \$4,907,000. The projected estimate of retail sales for 1970 is \$9,250,000. Much of this increase may be attributed to the nuclear power plant and a growing tourist/sportsman trade, both of which can be expected to continue and perhaps increase in the years to come.

At the present time, Kewaunee City and County are without any broadcast facility. There is no means of local self-expression. A broadcast facility would contribute significantly to the growth and development of Kewaunee City and surrounding area by keeping residents cognizant of local and area activities. A local broadcast facility would also assist the residents and visitors in becoming aware of local problems and the solutions to those problems. As noted above, the city and county are without any type of broadcast facility. Therefore, the requested change in the Table of Assignments will provide the first local service to the community. Petitioner herein will immediately apply to utilize FM Channel 224A as requested herein at Kewaunee following the effective date of the assignment.

22. In view of the above, which notes the size of, important geographic location of, commercial activity in, political importance of (county seat), developmental potential of, and the lack of local radio service at, Kewaunee, we find it in the public interest to assign Channel 224A to Kewaunee, Wis.

## RM-1808, SULLIVAN, ILL.

23. The Notice of Proposed Rule Making in this proceeding proposed to assign FM Channel 292A to Sullivan, Ill. This in response to a petition filed by Mr. Charles R. Banks on June 4, 1971. No other revisions in our FM Table of Assignments were proposed in connection with this rule making, RM-1808. No opposing comments were filed. Petitioner registered a supporting comment.

24. Sullivan, Ill. is located in Moultrie County, respective populations, 4,112 and 13,263. No broadcast station of any kind is licensed in Moultrie County nor is there an FM channel allocated to Sullivan.

25. Petitioner advises us that Sullivan is both the largest community in, and county seat of, Moultrie County. The comment describes Sullivan as having a significant economic base with two banks having assets exceeding \$13,230,000 and a savings and loan association with assets in excess of \$1,600,000. In addition to serving the area surrounding the community as a market, the community has some light industry. An active social and religious life are asserted to exist in Sullivan with 11 churches, of various denominations, acting as a hub for such activity. Petitioner views Sullivan's potential for future growth optimistically in that he believes the large reservoir on the Kaskaskia River created approximately three miles from Sullivan will develop the recreational potential of the area.

26. We find that it is in the public interest to assign Channel 292A to Sullivan, Ill.<sup>3</sup> Our judgment relies on: The lack of local radio service at Sullivan; the size of the community; its obvious importance to the county as an economic, social and business hub; and the public interest value in developing first local aural facilities.

## RM-1770, EMMETT, IDAHO

27. On March 19, 1971, we received a petition from Emmett Valley Broadcasters requesting the assignment of FM Channel 269A to Emmett, Idaho. The Notice of Proposed Rule Making in this proceeding proposed the assignment of FM Channel 269A to Emmett. No other revisions in our FM Table of Assignments were proposed concerning the allocation at Emmett. No comments were received in response to the Notice.

28. Gem County, Idaho, has a population of 9,387 persons. Emmett, its county seat and largest community, has a population of 3,945 residents. Unlike most rural areas and communities, the population of Emmett and its county has increased somewhat since the 1960 U.S. Census Reports. There is no FM channel assigned to Emmett nor is there a standard broadcast station licensed there.

29. The latest material available to us concerning activity in Emmett and its county (the 1967 Supplement of the U.S. Bureau of Census Statistical Abstract) shows that, in fairly current years: the total employment in Gem County involved 3,192 persons with 50.6 percent engaged in manufacturing and white collar employment, the county had a retail and wholesale trade of \$15,496,000, Gem County produced a value of \$8,575,000 in farm products and that banks located in Emmett had deposits of \$6,773,000. Emmett has 12 small manufacturing firms. Its two largest firms deal with fruit and tobacco and lumber, wood and furniture products. The community contains five general merchandise stores, 11 food stores, eight automobile dealers, and 13 wholesale firms.

<sup>3</sup> Channel 292A must be used at a minimum of 6 miles northeast of Sullivan.

30. In light of the above facts, of which we take judicial notice,<sup>4</sup> we are assigning Channel 269A to Emmett, Idaho, on our own motion, as being in the public interest. A first radio service clearly will be able to contribute to both the business activity and living convenience of citizens of Emmett. In brief, it is our judgment that Emmett requires a first local means of rapid mass communications.

31. Authority for the actions taken herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934 as amended.

32. In view of the facts, judgments and public interest findings made above, it is ordered, That effective May 9, 1972, the FM Table of Assignments in § 73.202 of the Commission's Rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	Channel No.
Sullivan, Ill.....	292A
Emmett, Idaho.....	269A
Onawa, Iowa.....	292A
Clinton, Miss.....	228A
Wanchese, N.C.....	237A
Hilton Head Island, S.C.....	292A
Kewaunee, Wis.....	224A

33. It is further ordered, That this proceeding (Docket No. 19315) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>5</sup>

[SEAL] BEN F. WAPLE,

Secretary.

[FR Doc. 72-4968 Filed 3-30-72; 8:50 am]

[Docket No. 19246; FCC 72-275]

#### PART 76—CABLE TELEVISION SERVICE

#### PART 78—CABLE TELEVISION RELAY SERVICE

#### Nondiscrimination in Employment Practices

*Report and order.* In the matter of amendment of the Commission's rules to require operators or community antenna television systems and community antenna relay station licensees to show nondiscrimination in their employment practices, Docket No. 19246.

<sup>4</sup> Petitioner, Emmett Valley Broadcasters, did not file a supporting comment in this proceeding to make a public interest showing as to the need of Emmett for a first radio service. This indicates a possible loss of interest by petitioner in establishing a station at Emmett. However, since allocation proceedings are based on the public interest value of meeting the needs of communities, rather than meeting the private interests of specific proponents, we are assigning Channel 269A to Emmett in hope that it will be applied for by petitioner or some other interested party.

<sup>5</sup> Commissioners Robert L. Lee and Johnson absent.

1. On May 3, 1971, the Commission issued a notice of proposed rule making in this docket,<sup>1</sup> in which we proposed the adoption of new rules, analogous to those already adopted for the broadcast and common carrier services, which would require—

(1) The adoption of equal employment opportunity (EEO) policies and practices by all cable television (cable) system operators and community antenna relay (CAR) station licensees and permittees; and

(2) Filing of—

(i) EEO program statements by—

(a) All CAR station permittees and licensees and cable system operators with five or more full-time employees; and

(b) All applicants for CAR and cable authorizations (except where five or more full-time employees at any time during the first 12 months of operation are not anticipated);

(ii) Annual EEO employment reports by all CAR permittees and licensees and cable operators with five or more full-time employees; and

(iii) Annual EEO complaint reports, by all CAR licensees and cable operators, of EEO complaints against them which have been submitted to appropriate governmental bodies.

2. Comments were received from the National Cable Television Association (NCTA); Gulf Communicators, Inc. (Gulf); Allen's TV Cable Service, Inc., and 66 other parties, filing jointly (Allen); the Jerrold Corp., NewChannels Corp., and Cox Cable Communications, Inc., filing jointly (Jerrold); and the Office of Communication, the Board for Homeland Ministries, and the Commission for Racial Justice, of the United Church of Christ, filing jointly (United Church). NCTA is a national association of cable system operators; the 67 parties to the Allen comments are all cable system operators and/or CAR station licensees; Jerrold, NewChannels, and Cox Cable are also cable operators; and the three parties to the United Church comments are instrumentalities of a 2,000,000-member religious denomination.

3. In their comments, the parties argue variously—

(1) Regarding the appropriateness of the proceeding—

(i) That the cable EEO rule making proceeding should be abandoned altogether (NCTA, Allen) on the grounds that any cable EEO regulation (a) would exceed the Commission's jurisdiction, (b) is unnecessary, and (c) would unreasonably and needlessly burden the Commission and the industry; and

(ii) That EEO regulations applicable to the cable industry should be adopted and enforced because, "[i]n light of the potential impact of CATV systems on private and business life, it is most essential that those charged with delivering such services be broadly representative of their communities" (United Church);

(2) Regarding required filing of EEO statements and reports—

(i) That the employment unit size (five full-time employees) proposed by the Commission as the cutoff point for exemptions from some of the proposed requirements is too low (NCTA, Allen, Jerrold);

(ii) That the proposed requirement of detailed annual employment reports should be abandoned, and replaced by a single line with a checkbox in the general cable annual report form to the effect that "FCC requirements with respect to nondiscrimination in employment have been fulfilled" (NCTA);

(iii) That, with respect to EEO-violation complaints, (i) the employer should not be required to submit any report at all unless an EEO-violation complaint was actually filed during the 12-month period in question (Jerrold, Gulf); and (ii) if an EEO-violation complaint was filed against the employer, space could be provided in the EEO annual employment report in which the employer could indicate the relevant information (Jerrold);<sup>2</sup> and

(iv) That the Commission's proposed definition of a "single employment unit" as potentially comprehending a cable operation serving more than one political subdivision (see proposed § 74.1125(b)(3))<sup>3</sup> is "totally inconsistent with the heretofore uniform definition of a CATV system as each separate political subdivision in which a cable operation is located" and that the Commission should "state the reason for and justify by explanation this seemingly arbitrary action" (Allen);

(3) Regarding the definition of "employee"—

(i) Personnel with ownership interests in the cable or CAR operation should not be counted as employees (Allen); and

(ii) That clarification is needed as to whether a person should be counted as an employee if—

(a) He is a director who (1) is nominally on the payroll, but has primary employment or obligations elsewhere, or (2) has a place of business or residence in a location removed from that of the reporting unit; or if

<sup>2</sup> Jerrold suggests, in this connection, that the rules could require the filing of a separate EEO-violation complaint report where an employment unit (i) is not required to file an annual employment report, but (ii) has been the subject of an EEO-violation complaint.

<sup>3</sup> In the Cable Television Report and Order, FCC 72-108, released Feb. 3, 1972, the Commission revised and renumbered the cable television rules in the new Part 76. Under this scheme, § 74.1125 became § 76.311. In referring to the rules adopted herein, we shall use the new numbering for easy reference to the attached appendix which contains the full text of the rules. However, the section numbers utilized in the proposed rules appended to the notice of proposed rule making in Docket No. 19246 will be used in those cases where the reference or quotation relates to the originally proposed rules rather than to the rules as finally adopted herein.

<sup>1</sup> FCC 71-455, 29 FCC 2d 18, 36 F.R. 8457.

(b) He works for the system or station on a voluntary or experimental basis and receives no pay (Jerrold);

(4) Regarding other contents of material filed by the employer—

(i) That cable systems and CAR stations should be required to include, in their annual reports, showings of affirmative action with respect to the employment of women (United Church); and

(ii) That the Commission provide clarification as to how formal a "training program" must be to be so characterized in the employer's filings to the Commission (Jerrold); and

(5) Regarding filing deadlines, that a common date, e.g., May 31 of each year, should be designated as the EEO filing deadline for (a) reporting changes in, or submitting new, employment programs, (b) filing complaint reports, and (c) filing annual employment reports; and that employment programs should be required to be submitted either (i) on the first May 31 after service commences, or (ii) within 30 days after the initial commencement of service (Jerrold);<sup>4</sup>

(6) Regarding employer maintenance of EEO records for public inspection—

(i) That the employer should be permitted to require of persons wishing to examine his EEO records on his premises that they make a reasonable showing of need for such examination (Gulf);

(ii) That he should not be required to keep EEO records, for such inspection, at each place of employment reported on, but should be permitted instead to keep the records (a) at a central office (Gulf), or (b) "in the same place as other material which must be kept available for public inspection" (Jerrold);

(iii) That he should be required to retain such records for public inspection not for 2 years but for 5 (United Church); and

(iv) That he should be required to provide any member of the public who asks for it with a quick-copy of any EEO material kept by the employer for public inspection, and charge no more than 5 cents per page for the service" (United Church);

(7) Regarding the posting of EEO notices at the place of employment (see proposed § 74.1125(c) (2) (i) (a)), that the notice of EEO rights should be in one or more languages in addition to English "where 5 percent of the population or service area consists of Spanish-surnamed Americans or other groups whose original or native language is not English" (United Church); and

(8) Regarding liaison with other governmental agencies, that the Commission should itself review alleged EEO violations instead of referring them to the U.S. Equal Employment Opportunities Commission or to other State or local authorities for determination (United Church).

4. In support of the contention that the Commission lacks jurisdiction to regulate the EEO aspects of cable system operation, it is argued (by Allen) that:

(1) "in *United States v. Southwestern Cable Co.*, 392 U.S. 157 (1968), \* \* \* the [Supreme] Court held that the Commission's authority to regulate CATV is restricted to that reasonably ancillary to the effective performance of the Commission's responsibilities for the regulation of television broadcasting" (id. at 178); (2) in *Midwest Video Corporation v. United States*, 441 F. 2d 1322 (1971), the U.S. Court of Appeals, 8th Circuit, held that the Commission's mandatory program origination rule is invalid in that it "goes far beyond the regulatory power approved in *Southwestern Cable Co.*" (id. at 1325); and (3) EEO regulation of cable systems is "far less related to effective broadcast regulation than [is] enactment of program origination rules": In view of the economic interplay and service competition between broadcasting and cablecasting, "it is at least arguable—if not tenable—that prescription of cablecast rules is reasonably related to effective broadcast regulation," but "imposition of employment discrimination rules has not the slightest bearing on effective broadcast regulation."

5. The foregoing jurisdictional contention and argument are rejected for reasons spelled out in the text of the "Petition for a Writ of Certiorari \* \* \*" recently submitted by the Solicitor General to the Supreme Court in response to the 8th Circuit's *Midwest Video* decision. As noted in the certiorari petition, the Supreme Court in *Southwestern* did not restrict the Commission's authority to regulate CATV "to that reasonably ancillary to the effective performance of the Commission's responsibilities for regulation of television broadcasting"; it merely restricted its holding to that question. At the same time, the text of the Supreme Court opinion in *Southwestern* indicated that the Communications Act confers on the Commission essentially the same jurisdiction over CATV that it has over the broadcasting industry. That jurisdiction includes the authority to condition FCC authorization of cable systems upon their service to the public interest via their compliance with reasonable regulations by the Commission (and other governmental units) which both (i) further the National policy against discrimination in employment and, (ii) in so doing, increase the likelihood that such systems and stations will operate generally in a non-discriminatory fashion, beneficial to all segments of the communities served.

6. Measured in the light of such considerations as the importance of the objectives sought, the practical relation-

ship between those ends and the regulatory means in question, and the extent of the "burden" which would be imposed upon cable systems, we believe that both the proposed rules and the rules finally adopted herein are reasonable indeed: The objectives are important; the regulatory means set forth are not excessive and do further those objectives; and the "burden" placed upon cable system operators is in fact quite slight.

Moreover, as stated in the certiorari petition—

\* \* \* even if Commission regulation of CATV must be "reasonably ancillary" to regulation of broadcasting, there is no reason to believe that this standard would restrict the Commission to regulation designed to prevent deleterious competition to the broadcasting industry. Having become "an integral part of interstate broadcast transmission," CATV operators "cannot have the economic benefits of such carriage as they perform and be free of the necessarily pervasive jurisdiction of the Commission." \* \* \* Thus, even if there must be some connection between the Commission's regulation of CATV and its responsibilities in the broadcasting area, such connection is present when, as here, the Commission attempts to require CATV operators, whose principal product is the retransmission of broadcast signals, and who serve the same functions in many areas as broadcasters, to meet some of the same basic standards of responsibility to the public that are imposed on broadcasters. (Citations deleted.)

7. Although none of the respondents question the importance of the Commission's objectives in this proceeding, two of the comments on file (NCTA, Allen) generally question the need for adoption of EEO regulations in the cable field to achieve those ends. In the NCTA pleading, it is flatly asserted that "cable systems do not practice discrimination \* \* \* [regarding] race, color, religion, national origin, or sex" in hiring practices, and that "An industry which probably represents the last great chance for minorities to get into realistic communications media will not tolerate discriminatory employment practices." Although we hope that this is so, we cannot, in the light of our responsibility to the public, rely upon such representations alone. Facts are needed, regularly brought up to date, to provide continuing assurance that such representations are generally correct, and to draw our attention to those cable employers (hopefully few) whose employment practices are unsatisfactory in this regard. Moreover, in view of the importance of cable's present and prospective roles in the American communications system, and in the lives of the American people, we are persuaded that a mere abstinence from overt discriminatory practices is not sufficient. The effects of past discrimination in our country are such that a positive continuing program of specific practices designed to assure equal opportunity in every aspect of CATV employment is required if the term "equal opportunity employer" is to be truly meaningful. Elements of such a program are noted at

<sup>4</sup> In connection with this recommendation, Jerrold suggests that the proposed § 74.1025(c) (1) (i) (d) be amended to read, "If pursuant to § 74.1025(c) (1) (i) (b) or § 74.1031(f), a station has been exempted from the requirement that it file an equal employment opportunity statement, but has failed to satisfy the conditions of that exemption at any time for 6 months of the past calendar year, it shall file the statement on or before May 31 of the following calendar year"; and that § 74.1125(c) (1) (i) (d) be amended similarly.

§ 76.311 (b) (2) and (c) (2). The program items set forth therein are not intended to be fully applicable to every situation. As stated in the introductory words of § 76.311(c) (2): "The program should reasonably address itself to such specific areas as set forth below, to the extent that they are appropriate in terms of employment unit size, location, etc."

8. NCTA suggests that the only reason for the application of EEO rules to cable systems is that the Commission has previously applied such rules to broadcast and common carrier facilities. Although that assertion is incorrect, it is of value nonetheless in that it draws attention to the fact that cable is quite similar in its major aspects to both broadcasting and common carrier service, and that both of these are already subject to EEO rules. Cable—which already serves close to 10 percent of the American people, and may be only at the threshold of its major growth—is ancillary to broadcast service in that it retransmits the signals of broadcast stations. It may exercise some discretion as to which broadcast signals, and programs, it will carry. To the extent that it engages directly in program origination, it performs for its subscribers the basic functions of a broadcast station itself. Like a common carrier, it is almost certain, in any given service area, to be a monopoly (or, at best, a semi-monopoly) whose customers have no recourse to the normal operation of the market place if they desire cable service but are not satisfied with the quality of that service, or with the willingness of their local cable system to meet the specialized programming and other needs of particular segments of the population. Like a common carrier, the local cable system either is, or will soon become, a contractor for delivery of communications (cablecast, etc.) by others on its leased, or free-of-charge, "access" channels.

9. Cable, by virtue of its multichannel capacity, is uniquely capable of serving the special programming, and other communications needs of discriminated-against minority groups. But a company which is not an equal opportunity employer is less likely than it otherwise would be, to recognize and respond to those needs. In the light of this fact, among others, it would certainly be improper for the Commission to countenance discriminatory employment practices by cable systems at the same time as it forbids such practices by broadcast and common carrier facilities.

10. The Allen pleading contends that the rules proposed by the Commission would result in an unnecessary duplication of regulatory functions entrusted to other agencies, notably the U.S. Equal

\* In response to Jerrold's inquiry as to how formal a "training program" must be to be so characterized in the employer's filings, we will not attempt here to prescribe the employer's language usage in his equal employment opportunity program statement—except to call upon him to avoid ambiguity and vagueness if possible; e.g., by use of examples and explanations when appropriate.

Employment Opportunity Commission. EEOC is an agency with limited resources which functions in part as a direct instrument of the National policy against discrimination in employment, and in part as a facilitator of the efforts of other Governmental units. EEOC has welcomed, encouraged, and assisted this Commission in the development of our own EEO-regulatory program, and we look forward to further cooperation with EEOC in the implementation of our program. Moreover, because of the special nature of cable, its special impact upon the community, and our special responsibilities as guardians of the public interest in the wire and radio communications field, the reporting requirements adopted herein will affect many cable employment units which EEOC could not reach.

11. Having considered the contention, in three of the pleadings, that the employment size proposed by the Commission as the cutoff point for exemption from certain of the filing requirements (five full-time employees), is too low, we have decided, for the present, to stay with that figure. We are not persuaded that the filing requirements adopted herein will impose a significant burden upon employment units with five or more full-time employees. However, we will reexamine the matter in the future, on the basis of further information and experience.

12. As previously noted, one of the comments (Allen) questions the Commission's definition of an "employment unit" as potentially including more than one cable system, on the ground that deviation from the Commission's more typical unit of cable regulation (i.e., an individual cable system whose facilities serve only one political subdivision) is a "seemingly arbitrary action." That comment presumably refers to the following provisions:

(1) In § 74.1125(c) (3):

Where two or more community antenna relay stations and/or community antenna television stations, under common ownership and/or control, are so interrelated in their management, operations, and utilization of employees as to constitute a single employment unit, the [equal employment opportunity] program shall be jointly established, maintained, and controlled by them.

And (2) in § 74.1125(f) (2):

Where, pursuant to § 74.1125(c) (3), an equal employment opportunity program is jointly established by two or more community antenna relay stations and/or community antenna television systems with an aggregate total of \* \* \* [10] or more full-time employees, a combined employment report shall be filed.<sup>6</sup>

These provisions are not "arbitrary," either "seemingly" or in fact. Many functionally unitary cable operations serve two or more political subdivisions from a single headend. In such cases, the Com-

<sup>6</sup> For the reasons stated in paragraph 11 supra, the provision as adopted herein differs from the originally proposed language in that the number of full-time employees referred to has been changed from 5 to 10.

mission's characterization of the operation as consisting of two or more "systems" each serving a different political subdivision is a "legal fiction," useful for many purposes, which takes into account the separate franchising powers of separate political subdivisions. In certain aspects of day-to-day cable activity, however—including employment practices—such usage does not sufficiently reflect the business realities referred to in § 74.1125(c) (3). In determining the appropriate unit of regulation, we have borrowed from the architectural profession the precept that form should follow function. In doing so, no "arbitrary action" is involved; just plain good sense.

13. Upon consideration of the comments cited at paragraph 3(3), supra, concerning the definition of "employee," we have concluded that, within the meaning of the rules adopted by this order, (1) membership on the employer's corporate board of directors is not a basis for designation as an employee even if the person in question receives honoraria for attendance at board meetings; (2) a cablecast-program director who works for the employer only a few hours per week and receives compensation therefor is a part-time employee; (3) employment unit personnel who have ownership interests in the company (e.g., proprietor, member of his immediate family, stockholder) and who are paid for their services or who may, directly or indirectly, obtain significant benefit from such ownership interest, are employees; and (4) other unpaid personnel are not employees. Where a reporting employer believes that preparation of his annual employment report in accordance with this may create a distorted impression of his employment practices, he is certainly welcome to avoid that possibility by appending an explanatory statement to his report.

14. We have not adopted the recommendation that cable employers be required to include, in their annual reports, showings of affirmative action with respect to the employment of women (United Church). Such a provision would require employers to provide more annual information regarding their employment of women than is required with respect to their employment of Negroes, Orientals, American Indians, and Spanish-surnamed Americans. It should be noted, however, (1) that new § 76.311(c) (1) and (2) require the employer to include in its equal employment opportunity program statement "specific practices to be followed in order to assure equal employment on the basis of sex \* \* \*"; and (2) the employer is required to set forth, in its annual employment report, both (i) the total numbers of males and females, respectively, in each job category, and (ii) the total numbers of males and females in each job category per minority group.

15. Also not adopted is the recommendation that an employer be exempted from the requirement that he submit an EEO-complaints report for any year in which no EEO complaints have been filed (Gulf, Jerrold). In support of that recommendation, it is argued that "The fact

that no filing was made by a \* \* \* cable system would indicate that no such complaints were filed during the preceding reporting period" (Gulf). Unfortunately, however, the absence of an annual EEO-complaints report from an employer may just as easily be the result of a clerical error on his part. If in fact no EEO-violation complaints were filed against an employer during the reporting period, the requirement that he mail a simple statement to that effect to the Commission surely places no burden of any consequence upon him.

16. We have adopted the recommendation by Jerrold that the time limits for filing of annual employment reports, EEO-violation complaint reports, and changes in EEO program statements be changed to "on or before May 31 of each year." Also, proposed § 74.1105(e) has been amended (and is renumbered § 76.13(a)(8)) to permit omission of an EEO program statement from a new-system application for certificate of compliance, if the proposed system operator (1) believes that there will not be 10 full-time employees at any time during the first 3 months of the year following commencement of operation of the CATV system, and (2) submits a statement justifying that conclusion.<sup>7</sup>

17. With respect to the employer's duty to maintain copies of his EEO records for a period of time, and to make them available for inspection by members of the public—

(a) We do not agree with Gulf that the employer should be permitted to inquire of persons wishing to inspect such records that they make "a reasonable showing of need" for such inspection. Our position in this matter is consistent with our adoption, on December 15, 1971, of a memorandum opinion and order concerning the duties of a broadcast station under § 1.526(d) of the Commission's rules.<sup>8</sup> In that ruling, we permitted broadcast licensees to require persons wishing to inspect their files to give their names and addresses; but prohibited broadcasters from requiring of such a person that he identify the organization on whose behalf he is requesting such inspection. We pointed out that any member of the public is entitled to inspect the files regardless of membership in an organization, and said that a requirement of organization disclosure would be likely to do more harm than good in that it might discourage some persons from seeking access to the licensee's public files. See also our "By Direction" letter of November 3, 1971, to

WBRN, Inc., 32 FCC 2d 474, FCC 71-1141, in which we stated, *inter alia*, that "those letters which are required to be made available [by broadcast licensees] for public inspection must be accessible to the public during regular business hours and such records should be provided to members of the public on request without requiring that they identify \* \* \* the particular documents they wish to inspect."

(b) The Gulf and Jerrold comments regarding the location(s) of EEO records maintained by the employer for public inspection reflect a need for amendment of proposed § 74.1125(f)(2)(i) so that they will more clearly reflect the Commission's intent, which is that—

(i) Each employment unit shall maintain for public inspection such portions of the employer's EEO file as pertain to the employment practices and policies of that employment unit.<sup>9</sup>

(ii) An employer who is required to file a consolidated annual employment report, shall maintain an adequately indexed consolidated EEO file, containing copies of all the material included in the EEO files of the employment units reported upon in his consolidated annual employment report.

(iii) The EEO file for a system (or a single employment unit including that system) shall be maintained at the principal work-place of the employment unit, or at any accessible location (such as a public registry for documents or an attorney's office) in the principal community served by the employment unit. The headquarters office EEO file and the consolidated EEO file shall be maintained, (a) respectively, at the headquarters office, and the principal office of the employer, or (b) at any accessible place (such as a public registry for documents or an attorney's office) in the community in which the office is located. The employer shall provide reasonable accommodations at these locations for undisturbed inspection of his EEO records by members of the public during regular business hours.<sup>10</sup>

We do not believe (nor have the respondents in this proceeding submitted any evidence tending to support the belief) that the maintenance by individual employment units of EEO records for public inspection will impose a significant burden upon cable systems.

(c) United Church states, in support of its recommendation that employers be required to retain EEO records for public inspection for at least 5 years (instead

of the 2-year retention period set forth in the notice of proposed rule making):

It is extremely difficult to establish patterns of discrimination under any circumstances, especially if the staff involved is small and there are few turnovers. It would be impossible to establish such patterns if records are available only for 2 years. The retention of the records for an additional 3 years would not impose a substantial burden on an operator, licensee or permittee. In the case of a small enterprise with limited storage space, the records will be quite brief unless a large number of discrimination complaints have been filed. If in a rare case they have, it is absolutely essential that such records be available for public inspection for a period longer than 2 years.

We are persuaded by that argument, and have amended the proposed rules accordingly. (See § 78.311(f)(2)(ii).)

(d) We are not persuaded, however, by United Church's further recommendation that the employer be required to provide any member of the public who asks for it, with a quick-copy (Xerox or other) of any EEO material kept by the employer for public inspection, and charge no more than 5 cents per page for the service. Although the provision of such service by an employer would certainly be an expression of good faith on his part, the requirement that employers provide such service would, in our judgment, place an unreasonable burden upon many of them, particularly in light of (1) the availability, to persons wishing to copy EEO records, of quite inexpensive portable quick-copy equipment; and (2) the employer's obligation to provide adequate facilities for examination of EEO records.<sup>11</sup>

18. Upon consideration of United Church's comment regarding bulletin board EEO notices (see paragraph 3(7) *supra*), we have amended and renumbered proposed § 74.1125(c)(2)(i)(a) to read:

Posting notices in the cable operator's offices and places of employment informing employees, and applicants for employment, of their equal employment rights and their right to notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency. Where a significant percentage of employees, employment applicants, or residents of the community of a cable television system are Spanish-surnamed Americans, such notice should be posted in Spanish and English. Similar use should be made of other languages, in such posted equal employment opportunity notices, where appropriate.

A fixed mathematical definition of "significant percentage" (e.g., the 5 percent figure recommended by United Church) has been avoided pending further Commission experience. However, we are confident that employers will recognize the desirability of bi- (or multi-) lingual EEO notices, where appropriate, both as aids in communication of rights and as earnestness of the employer's good faith.

19. In paragraph five of the notice of proposed rule making in this docket we indicated our intention to refer EEO complaints within the jurisdiction of the U.S. Equal Employment Opportunity

<sup>7</sup>The originally proposed language of this section would permit omission of the EEO program statement only if the cable certificate applicant believed that the system would not have 10 or more full-time employees at any time during the first 12 months of operation of the system. The substituted language is more harmonious with the references to January, February, and March in newly added § 76.311(e)(3). (These new provisions eliminate needless payroll-period differences between cable annual employment reports and broadcast and common carrier annual employment reports.)

<sup>8</sup>32 FCC 2d 729.

<sup>9</sup>Including copies of the applicable EEO program statement and changes therein, annual reports to the Commission, etc., as specified in the above referenced section of the rules, now renumbered as § 76.311(f)(2)(i).

<sup>10</sup>Including, e.g., the use of a table and chair, adequate lighting, and a wall electric outlet for copying equipment which the EEO-record examiner may bring along. See also the Commission's Public Notice of February 23, 1971 (28 FCC 2d 71), regarding the availability of locally maintained records for inspection by members of the public.

<sup>11</sup>See n. 10, *supra*.

Commission to that agency, and thereafter to maintain appropriate liaison in the matter with EEOC and the Department of Justice; and to act similarly with respect to EEO complaints within the jurisdiction of State and local government authorities. United Church objects to such referrals on the grounds that: (1) They would yield inconsistent and uneven enforcement of the rules; (2) agencies receiving such referrals would typically lack the Commission's enforcement powers; and (3) Commission action (investigation etc.) in a matter after referral of it to another governmental agency<sup>12</sup> would both (i) undermine that other agency, if done frequently, and (ii) subject complainants and employers to a double procedural burden.

20. In this, as in all other aspects of its EEO programs, the Commission intends to keep its options open, and to learn from experience. It should be noticed, in this connection, that the procedure in question is described not in the new rules themselves, but only in the text of our notice. We recognize the possibility of problems arising from referral of complaints to other agencies for their investigation and action. We are prepared to modify our procedures, both generally and on a case-by-case basis, when necessary to avoid such problems. In any case, it should be perfectly clear that the Commission, in referring complaints to other agencies, would not be abdication its responsibility to take appropriate action on such cases itself.

21. Finally, we note that although the adoption of two almost identical sets of equal employment opportunity rules—one for CATV systems and one for CAR stations—was originally proposed, we are now persuaded that since CAR stations are always auxiliary facilities to cable systems, and are not separate employment units as a practical matter, no useful purpose would be served by the application of separate rules to these related entities.<sup>13</sup> Hence, we are placing the body of the equal employment opportunity rules in Part 76 (Cable Television Service) with a cross-reference to them in Part 78 (Cable Television Relay Service) and an introductory paragraph in the rules making it clear that they apply to operators of cable systems, both in that capacity and as licensees or permittees of CAR stations. Where a cable system or a headquarters office has employees whose duties are related to the operation of a CAR station, these employees shall be considered employees of the cable system or headquarters office employment unit for purposes of the rules. This approach to CAR stations parallels the rules in the broadcast area, where no separate provisions apply to auxiliary stations.

22. For the reasons set forth in the foregoing paragraphs, *It is ordered*, Pur-

<sup>12</sup> Because of dissatisfaction with the results of such referral.

<sup>13</sup> Under § 78.13 of the rules, a CAR license will be issued only to the owner of a CATV system or to a cooperative enterprise wholly owned by CATV owners or operators.

suant to the authority contained in sections 2(a), 3 (b) and (d), 4(i), 301, 303, and 403 of the Communications Act of 1934, as amended, that effective May 9, 1972, Parts 76 and 78 of the Commission's Rules are amended as set forth below, and that the proceedings in Docket No. 19246 are terminated.<sup>14</sup>

(Secs. 2, 3, 4, 301, 303, 403, 48 Stat., as amended, 152, 1064, 1066, 1081, 1082, 1094; 47 U.S.C. 152, 153, 154, 301, 303, 403)

Adopted: March 23, 1972.

Released: March 29, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>15</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A. In Part 76, Cable Television Service:

1. In 76.13, paragraph (a) (8) is added, to read as follows:

§ 76.13 Filing of applications.

\* \* \* \*

(8) A statement of the proposed system's equal employment opportunity program, as described in § 76.311. However, if the operator of the proposed system believes that the system will (continuously during January, February, and March of the year following commencement of operations) satisfy the conditions in § 76.311(c) (1) (i) (b), he may submit a statement justifying that conclusion in lieu of a statement of the proposed system's equal employment opportunity program.

2. In § 76.305, paragraph (f) is added, to read as follows:

§ 76.305 Logging and recordkeeping requirements.

(f) *Equal employment opportunities.*  
See § 76.311(f).

3. Section 76.311 is added, to read as follows:

§ 76.311 Equal employment opportunities.

The following provisions apply to all operators of cable television systems, both in that capacity and as licensees or permittees of cable television relay stations. Where a cable system or a headquarters office has employees whose duties are related to the operation of a cable television relay station, these employees shall be considered employees of

<sup>14</sup> An "Annual Employment Report" (FCC Form 395) having appropriate cable television references will be published after clearance of the necessary changes in the existing form with the Office of Management and Budget.

<sup>15</sup> Commissioner Bartley concurring in part and dissenting in part and issuing a statement, filed as part of the original document; Commissioners Robert E. Lee and Johnson absent.

the cable system or headquarters office employment unit for purposes of this section.

(a) *General policy.* Equal opportunity in employment shall be afforded by all operators of cable television systems to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin, or sex.

(b) *Equal employment opportunity program.* (1) Each cable television system shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of system employment policy and practice.

(2) Under the terms of its program, a system shall:

(i) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

(ii) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation;

(iii) Communicate the system's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis;

(iv) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin, or sex from the system's personnel policies and practices and working conditions;

(v) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to assure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the system.

(3) Where two or more cable television systems under common ownership or control are so interrelated in their management, operations, and utilization of employees as to constitute a single employment unit, the program shall be jointly established, maintained, and carried out by them. (Under other circumstances, the term "single employment unit" refers to an individual cable television system or to a headquarters office.)

(c) *Additional information to be furnished to the Commission—*(1) *Equal employment programs to be filed by operators of systems.* (i) The operator of each cable television system shall file a statement of its equal employment opportunity program not later than June 30, 1972, indicating specific practices to be followed in order to assure equal employment opportunity for females, Negroes, Orientals, American Indians, and Spanish-surnamed Americans in such aspects of employment practices as recruitment, selection, training, placement,

promotion, pay, working conditions, demotion, layoff, and termination.

(a) Any changes or amendments to existing programs shall be filed with the Commission on or before May 31 of each year thereafter.

(b) If the system (1) has fewer than five full-time employees, and (2) does not (within the meaning of paragraph (b) (3) of this section together with other cable television systems constitute a single employment unit with an aggregate total of five or more full-time employees, an equal employment opportunity program statement need not be filed for the employment unit which consists of or includes the system.

(c) (1) Where, pursuant to paragraph (b) (3) of this section, a program is jointly established by two or more cable systems with an aggregate total of 10 or more full-time employees, a multiple cable operator shall file a combined statement. (2) A multiple cable operator shall file a separate equal employment opportunity program statement for each headquarters office if that office has five or more full-time employees, and its work is primarily related to the operation of more than one cable television system under common ownership or control.

(d) If, pursuant to (b) of this subdivision or § 76.13(a) (8), a cable operator has been exempted from the requirement that it file an equal employment opportunity program statement, but has failed to satisfy the conditions of that exemption at any time during the first 3 months of a calendar year, it shall file the statement on or before May 31 of that year.

(2) *Contents of the equal employment program statement.* The program should reasonably address itself to such specific areas as set forth below, to the extent that they are appropriate in terms of employment unit size, location, etc.

(i) *To assure nondiscrimination in employment.* (a) Posting notices in the cable operator's offices and places of employment informing employees, and applicants for employment, of their equal employment opportunity rights, and their right to notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency if they believe they have been discriminated against. Where a significant percentage of employees, employment applicants, or residents of the community of a cable television system are Spanish-surnamed Americans, such notice should be posted in Spanish and English. Similar use should be made of other languages in such posted equal employment opportunity notices, where appropriate;

(b) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion, or national origin is prohibited and that they may notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency if they believe they have been discriminated against;

(c) Placing employment advertisements in media that have significant circulation among minority-group people in the recruiting area;

(d) Recruiting through schools and colleges with significant minority-group enrollments;

(e) Maintaining systematic contacts with minority and human relations organizations, leaders, and spokesmen to encourage referral of qualified minority or female applicants;

(f) Encouraging present employees to refer minority or female applicants;

(g) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members and females are being sought for consideration whenever the cable operator hires.

(ii) *To assure nondiscrimination in selection and hiring.* (a) Instructing personally those on the staff of the system who make hiring decisions that all applicants for all jobs are to be considered without discrimination;

(b) Where union agreements exist, cooperating with the union or unions in the development of programs to assure qualified minority persons or females of equal opportunity for employment, and including an effective nondiscrimination clause in new or renegotiated union agreements;

(c) Avoiding use of selection techniques or tests that have the effect of discriminating against minority groups or females.

(iii) *To assure nondiscriminatory placement and promotion.* (a) Instructing personally those of the system's staff who make decisions on placement and promotion that minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination;

(b) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower paid employees with respect to any of the higher paid positions, followed by assistance, counselling, and effective measures to enable employees with interest and potential to qualify themselves for such positions;

(c) Reviewing seniority practices to insure that such practices are nondiscriminatory and do not have a discriminatory effect;

(d) Avoiding use of selection techniques or tests that have the effect of discriminating against minority groups or females.

(iv) *To assure nondiscrimination in other areas of employment practices.*

(a) Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found;

(b) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(d) *Report of complaints filed against operators of systems.* (1) All operators of cable television systems shall submit an annual report to the Commission no later than April 1 of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, territorial, or local law have been filed before any body having competent jurisdiction.

(i) The report shall state with respect to each such complaint: The parties involved, the date filed, the courts or agencies before which the matter has been heard, the appropriate file number (if any), and the respective disposition or current status of the complaint.

(ii) Any cable operator who has filed such information with the Equal Employment Opportunity Commission need not do so with the Federal Communications Commission, if such previous filing is indicated.

(e) *Report of annual employment.* (1) Each operator of a cable television system with five or more full-time employees (including those whose duties are related to the operation of a cable television relay station) shall file with the Commission, on or before May 31 of each year, on FCC Form 395, an annual employment report.

(2) (i) Where pursuant to paragraph (b) (3) of this section, an equal employment opportunity program is jointly established by two or more cable television systems with an aggregate total of five or more full-time employees, a combined (single employment unit) annual employment report shall be filed.

(ii) A multiple cable operator shall file a separate annual employment report for each headquarters office if that office has five or more full-time employees, and its work is primarily related to the operation of more than one cable television system under common ownership or control.

(iii) Where, pursuant to subdivisions (i) and (ii) of this subparagraph, if more than one annual employment report is filed with respect to (a) cable television systems under common ownership or control, or (b) headquarters offices performing work related to such systems, a multiple cable operator shall also file a consolidated report, covering all system and headquarters office employees included in those reports.

(3) The data contained in each annual employment report required by subparagraphs (1) and (2) (i) and (ii) of this paragraph shall reflect the figures from any one payroll period in January, February, or March of the year during which the report is filed. The same payroll period should be used in each year's annual employment report.

(4) Annual employment reports required by this paragraph shall be filed on or before May 31 of each year.

(f) *Records available to the public—* (1) *Commission records.* A copy of every annual employment report, equal employment opportunity program, and reports on complaints regarding violation

of equal employment provisions of Federal, State, territorial, or local law, and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the cable operator and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference, are open for public inspection at the offices of the Commission.

(2) Records to be maintained locally for public inspection by operators—(i) Records to be maintained. Each operator of a cable television system required to file annual employment reports, equal employment opportunity programs, and annual reports on complaints regarding violations of equal employment provisions of Federal, State, territorial, or local law shall maintain, for public inspection, a file containing a copy of each such report and copies of all exhibits, letters, and other documents filed as part thereto, all correspondence between the cable operator and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference. An employer who is required to file a consolidated annual employment report shall maintain an adequately indexed consolidated equal employment opportunity file, containing copies of all the material included in the equal employment opportunity files of the headquarters offices and other employment units reported upon in his consolidated annual employment report.

(ii) Period of retention. The documents specified in subdivision (i) of this subparagraph shall be maintained for a period of 5 years.

(iii) Where maintained. The equal employment opportunity file for a system (or a single employment unit including that system) shall be maintained at the principal workplace of the employment unit, or at any accessible location (such as a public registry for documents or an attorney's office) in the principal community served by the employment unit. The headquarters office equal employment opportunity file and the consolidated equal employment opportunity file shall be maintained (a) respectively, at the headquarters office and the principal office of the employer, or (b) at any accessible place (such as a public registry for documents or an attorney's office) in the community in which the office is located. The employer shall provide reasonable accommodations at these locations for undisturbed inspection of his equal employment opportunity records by members of the public during regular business hours.

4. Section 76.409 is added, to read as follows:

**§ 76.409 Annual employment report.**

An "Annual Employment Report" (FCC Form 395) shall be filed with the Commission for each cable television system, as defined in § 76.5, on or before May 31 of each year, in accordance with the provisions of § 76.311.

B. In Part 78, Cable Television Relay Service.

1. Section 78.75 is added, to read as follows:

**§ 78.75 Equal employment opportunities.**

See § 76.311 of this chapter.

[FR Doc.72-4971 Filed 3-30-72; 8:50 am]

[Docket No. 19293; FCC 72-251]

**PART 87—AVIATION SERVICES**

**Frequency Tolerance of Certain Telemetry Band and Subdivision Into Channels**

*Report and order.* In the matter of amendment of Part 87 of the Commission's rules to change the existing frequency tolerance of the 1435-1535 MHz telemetry band and subdivide the band into channels, Docket No. 19293.

1. The Commission on August 4, 1971, adopted a notice of proposed rule making in the above-entitled matter (FCC 71-790) which made provision for the filing of comments and reply comments. The notice was published in the FEDERAL REGISTER on August 13, 1971 (36 F.R. 15131). The time for filing comments and reply comments has passed.

2. The notice of proposed rule making was issued in response to a petition (RM-1650) filed by the Aerospace and Flight Test Radio Coordinating Council (AFT RCC) which requested that Part 87 of the rules be amended to make certain technical changes to the rules governing the use and operation of the 1435-1535 MHz band.

3. In that notice, we proposed to amend Part 87 of our rules to provide a channeling plan for 100 equally-spaced channels, each 1 MHz wide, centered on the one-half MHz frequencies, and that all frequency assignments, regardless of the bandwidth used, be centered on the one-half MHz points. Emission bandwidth assignment up to 10 MHz would be permitted after proper coordination. Bandwidth assignments exceeding 10 MHz would be considered only on a case-by-case basis. In addition, the attached Appendix also reflected editorial amendments to Part 87 deleting a list of frequencies in § 87.331(c) no longer available, and the deletion of § 87.331(d) for the same reason.

4. The only comments received were filed by AFTRCC in which they fully supported the Commission's proposal in this proceeding. No reply comments were filed.

5. The Commission recognizes the need for specifying in the rules the frequencies available for assignment in the telemetry band, and also appreciates the necessity of certain complex radio systems, such as video-television systems, occupying more than one of the available channels after proper frequency coordination is accomplished.

6. In view of the foregoing, *It is ordered*, That pursuant to the authority contained in sections 4(i) and 303 (c),

(f), and (r) of the Communications Act of 1934, as amended, Part 87 of the Commission's Rules is amended, effective May 9, 1972, as set forth below.

7. *It is further ordered*, That the proceeding in Docket No. 19293 is terminated.

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

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

1. In § 87.65, paragraph (a) is amended, and a new paragraph (f) added to read as follows:

**§ 87.65 Frequency stability.**

(a) Except as provided in paragraphs (c), (d), and (f) of this section, and § 87.81, the carrier frequency of each station in the Aviation Services shall be maintained within the applicable following percentage of the assigned frequency:

(f) The carrier frequency of each telemetry transmitter operating in the band between 1435 MHz and 1535 MHz shall remain within 0.003 percent of the assigned frequency.

2. In § 87.331, paragraph (c) is amended and a new paragraph (g) is added to read as follows:

**§ 87.331 Frequencies available.**

(c) The following frequencies are available for assignment to flight test stations for emergency and backup use only for communication with aircraft operating beyond the range of VHF propagation on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations. Types A3A, A3H, or A3J emission shall be employed. The carrier frequency in parenthesis is 1.5 kHz below the assigned frequency.

kHz	kHz
2869.5(2868) <sup>2</sup>	8918.5(8917)
2995.5(2994)	10010.5(10009)
3475.5(3474)	
4676.5(4676)	11288.5(11287)
4683.5(4682)	11376.5(11375)
5470.5(5469)	
5597.5(5596)	13357.5(13356) <sup>4</sup>
	17902.5(17901)
6660.5(6659)	17966.5(17965)

<sup>4</sup> Restricted to use in the Continental United States and Atlantic Ocean areas.

<sup>5</sup> Restricted to use south of 40° N. over Atlantic Ocean.

(g) The authorized bandwidth for stations operating in the band 1435-1535 MHz is normally 10 MHz: *Provided, however*, That applications for greater bandwidths will be considered in accordance with the provisions of § 87.67(e). Each

<sup>1</sup> Commissioners Robert E. Lee and Johnson absent.

assignment will be centered on one of the following standard frequencies:

MHz	MHz	MHz	MHz
1485.5	1460.5	1485.5	1510.5
1486.5	1461.5	1486.5	1511.5
1487.5	1462.5	1487.5	1512.5
1488.5	1463.5	1488.5	1513.5
1489.5	1464.5	1489.5	1514.5
1490.5	1465.5	1490.5	1515.5
1491.5	1466.5	1491.5	1516.5
1492.5	1467.5	1492.5	1517.5
1493.5	1468.5	1493.5	1518.5
1494.5	1469.5	1494.5	1519.5
1495.5	1470.5	1495.5	1520.5
1496.5	1471.5	1496.5	1521.5
1497.5	1472.5	1497.5	1522.5
1498.5	1473.5	1498.5	1523.5
1499.5	1474.5	1499.5	1524.5
1500.5	1475.5	1500.5	1525.5
1501.5	1476.5	1501.5	1526.5
1502.5	1477.5	1502.5	1527.5
1503.5	1478.5	1503.5	1528.5
1504.5	1479.5	1504.5	1529.5
1505.5	1480.5	1505.5	1530.5
1506.5	1481.5	1506.5	1531.5
1507.5	1482.5	1507.5	1532.5
1508.5	1483.5	1508.5	1533.5
1509.5	1484.5	1509.5	1534.5

[FR Doc.72-4972 Filed 3-30-72; 8:50 am]

**PART 95—CITIZENS RADIO SERVICE**  
**PART 97—AMATEUR RADIO SERVICE**  
**PART 99—DISASTER COMMUNICATIONS SERVICE**

**Substitution of Certain Terms**

*Order.* In the matter of editorial amendment of Parts 95, 97, and 99 of the Commission's rules and regulations.

A revised edition of Volume VI of the FCC Rules and Regulations has been prepared. The following terms have been substituted throughout:

- Hz for c/s—hertz for cycles per second.
- kHz for kc/s—kilohertz for kilocycles.
- MHz for Mc/s—megahertz megacycles.
- dB for db.

Since these are editorial changes, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) are not applicable.

*Accordingly, it is ordered.* Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, that effective March 31, 1972 Parts 95, 97, and 99 are amended as set forth above.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 28, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JOHN M. TORBET,  
*Executive Director.*

[FR Doc.72-4965 Filed 3-30-72; 8:51 am]

**Title 49—TRANSPORTATION**

**Chapter X—Interstate Commerce Commission**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[S.O. 1042, Amdt. 6]

**PART 1033—CAR SERVICE**

**Chicago and North Western Railway Co. Authorized to Operate Over Tracks of Chicago, Rock Island, and Pacific Railroad Co.**

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of March 1972.

Upon further consideration of Service Order No. 1042 (35 F.R. 10150, 15394, 19753; 36 F.R. 5979, 12107, 25423), and good cause appearing therefor:

*It is ordered.* That § 1033.1042 *Service Order No. 1042* (Chicago and North Western Railway Co. authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., March 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

*It is further ordered.* That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.72-4990 Filed 3-30-72; 8:52 am]

[Rev. S.O. 1072, Amdt. 1]

**PART 1033—CAR SERVICE**

**Distribution of Boxcars**

At a session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 17th day of March 1972.

Upon further consideration of Service Order No. 1072 (36 F.R. 22751), and good cause appearing therefor:

*It is ordered.* That § 1033.1072 *Service Order No. 1072* (Distribution of boxcars) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., March 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

*It is further ordered.* That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.72-4988 Filed 3-30-72; 8:52 am]

[S.O. 1076, Amdt. 2]

**PART 1033—CAR SERVICE**

**Chicago, Rock Island and Pacific Railroad Co. Authorized to Operate Over Certain Trackage of Union Pacific Railroad Co.**

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of March 1972.

Upon further consideration of Service Order No. 1076 (36 F.R. 12859, 25425) and good cause appearing therefor:

*It is ordered.* That § 1033.1076 *Service Order No. 1076* Chicago, Rock Island and Pacific Railroad Co. authorized to operate over certain trackage of Union Pacific Railroad Co. be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., March 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1 (10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

*It is further ordered.* That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office

of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.72-4989 Filed 3-30-72;8:52 am]

# Proposed Rule Making

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration  
[14 CFR Part 71]

[Airspace Docket No. 72-WE-14]

### CONTROL ZONE

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Crescent City, Calif., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The Crescent City control zone is currently designated as a 24-hour zone. In the near future the effective hours of the zone will be reduced and may be subject to frequent changes in effective times. In anticipation of these changes and to eliminate the lengthy rule making process it is proposed to provide for these changes through the use of the Notice to Airmen.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (37 F.R. 2056) the description of the Crescent City, Calif., control zone is amended by adding: "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the

Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on March 22, 1972.

JAMES V. NIELSEN,  
Acting Director, Western Region.

[FR Doc.72-4939 Filed 3-30-72; 8:47 am]

### [14 CFR Part 71]

[Airspace Docket No. 72-GL-15]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area in the southern portion of the State of Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Room 18, 3158 Des Plaines Avenue, Des Plaines, IL 60018.

The southern portion of the State of Michigan is covered with controlled airspace extending upward from 1,200 feet above the surface with the exception of a few small areas of uncontrolled airspace. The designation of this transition area is contained in many individual citations. In order to consolidate these designations, reduce radar vectoring problems and make charting of these areas easier, it is necessary to designate 1,200 feet transition area in the State of Michigan south of the 44° parallel.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

#### MICHIGAN

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Michigan south of the 44° parallel.

In § 71.181 (37 F.R. 2143), the following transition areas are amended by deleting reference to that airspace extending upward from 1,200 feet above the surface:

Bad Axe, Mich.	Lansing, Mich.
Battle Creek, Mich.	Mount Clemens, Mich.
Detroit, Mich.	Mount Pleasant, Mich.
Flint, Mich.	Muskegon, Mich.
Fremont, Mich.	Saginaw, Mich.
Grand Rapids, Mich.	South Bend, Ind.
Jackson, Mich.	

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

#### LUDINGTON, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mason County Airport (latitude 43°57'40" N., longitude 86°24'30" W.) and within 2 miles each side of the 055° bearing from the airport extending from the 5-mile-radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface, north of the 44° parallel, within 5 miles northwest and 8 miles southeast of the 055° bearing from the airport extending to 12 miles northeast of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on March 9, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc.72-4935 Filed 3-30-72; 8:47 am]

### [14 CFR Part 71]

[Airspace Docket No. 72-GL-14]

### FEDERAL AIRWAY SEGMENT

#### Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a segment of V-177 to extend from the Duluth, Minn., VORTAC direct to the Ely, Minn., VOR (lat. 47°49'26" N., long. 91°49'45" W.).

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines, IL 60018. All communications received

within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independent Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would provide for air traffic service and controlled airspace for IFR aircraft operating between Duluth, Minn., and Ely, Minn.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 24, 1972.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-4937 Filed 3-30-72;8:47 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 72-SO-25]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Manning, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Manning transition area described in § 71-181 (37 F.R. 2143) would be amended as follows:

"\* \* \* 6.5-mile-radius area to the VOR \* \* \*" would be deleted and "\* \* \*

6.5-mile-radius area to the VOR; within a 5.5-mile radius of Wings and Wheels Airport, Santee, S.C. (lat. 33°28'52" N., long. 80°28'30" W.); within 3 miles each side of Vance VOR 100° radial, extending from the 5.5-mile-radius area to 8.5 miles east of the VOR \* \* \*" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at the Wings and Wheels Airport. A prescribed instrument approach procedure to this airport, utilizing the Vance, S.C., VOR, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 21, 1972.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc.72-4940 Filed 3-30-72;8:48 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 72-SO-24]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Chattanooga, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Chattanooga transition area described in § 71.181 (37 F.R. 2143) would be amended as follows:

"\* \* \* 030° bearing from Lovell Field \* \* \*" would be deleted and "\* \* \* 030° bearing from Lovell Field; within a 7-mile-radius of Hardwick Field, Cleveland, Tenn. (lats. 35°13'20" N., long. 84°49'58" W.); within 4.5 miles each side of Chattanooga VORTAC 046° radial, extending

from the 7-mile-radius area to the Lovell Field 15-mile arc \* \* \*" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Hardwick Field. A prescribed instrument approach procedure to this airport, utilizing the Chattanooga VORTAC, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 22, 1972.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc.72-4941 Filed 3-30-72;8:48 am]

#### [ 14 CFR Part 75 ]

[Airspace Docket No. 71-WA-27]

#### AREA HIGH ROUTES

##### Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate an area high route as a part of the overall program to establish an area navigation jet route structure. The proposed route would be used between Newark, N.J./La Guardia Airport, N.Y., and Chicago, Ill., and would convert area navigation route J622R—published in the Airman's Information Manual—into a designated Series 800/900 high route.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10635), which established regulatory bases for the designation of specific area high and area low routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating an area high route as follows:

7989R (NEWARK, N.J./LA GUARDIA AIRPORT, N.Y., TO CHICAGO, ILL.)

Waypoint name	VOR/DME description	Geographical coordinates
Lockwood, Pa.	SLT 74.7M/68.7NM	Lat. 41°57'31" N., long. 76°33'39" W.
Hamlet, N.Y.	SLT 323.0M/71.0NM	Lat. 42°20'40" N., long. 79°05'55" W.
Wixom, Mich.	CLE 323.1M/96.6NM	Lat. 42°35'05" N., long. 83°33'35" W.
Vermontville, Mich.	SBN 049.5M/81.2NM	Lat. 42°38'22" N., long. 84°55'30" W.
Papf, Ill.	SBN 206.8M/64.2NM	Lat. 42°14'36" N., long. 87°37'17" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 24, 1972.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-4936 Filed 3-30-72; 8:47 am]

[14 CFR Part 93]

[Docket No. 11678; Reference Notice 72-2]

**HIGH DENSITY TRAFFIC AIRPORTS**  
**Withdrawal of Notice of Proposed Rule Making**

The purpose of this notice is to withdraw Notice 72-2 (37 F.R. 1410) in which the Federal Aviation Administration solicited comments on a proposed amendment of Part 93 of the Federal Aviation Regulations that would increase the hourly number of allocated IFR operations (takeoffs and landings) that may be reserved for the specified classes of users at O'Hare International Airport, Chicago, Ill.

While the number of comments received in response to Notice 72-2 was not large, the comments reflected a sharp division of opinion among major users as to the advisability of adding more operations at O'Hare Airport at this time as well as strong opposition from the city of Chicago as operator of the airport. The gist of the comments in opposition to an increase in hourly allocations was that while, as the FAA stated in the notice, there may have been a modest increase in traffic handling capability, the airport is still not able to handle more traffic without unacceptable delays.

In the view of the comments, the FAA has determined that further study of the situation at O'Hare is necessary, that rule making action on the proposed amendment is not appropriate, and that Notice 72-2 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (37 F.R. 1410) on January 28, 1972, and circulated as Notice 72-2, is hereby withdrawn.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 27, 1972.

WILLIAM M. FLENER,  
Director, Air Traffic Service.

[FR Doc.72-4938 Filed 3-30-72; 8:47 am]

**ENVIRONMENTAL PROTECTION AGENCY**

[40 CFR Part 80]

**REGULATION OF FUELS AND FUEL ADDITIVES**

**Lead and Phosphorus Additives in Motor Vehicle Gasoline; Notice of Change of Location of Public Hearing**

On March 14, 1972, the Administrator of the Environmental Protection Agency published in the FEDERAL REGISTER (37 F.R. 5303) a notice of public hearing on proposed rule making to provide for regulation of lead and phosphorus additives in motor vehicle gasoline, pursuant to section 211 of the Clean Air Act as amended (42 U.S.C. 1857 et seq.). The dates and locations of the hearings announced were as follows:

April 11, 1972, at 10 a.m., e.s.t., at the Department of Commerce Auditorium, 14th and E Streets NW., Washington, DC.

April 27, 1972, at 10 a.m., c.s.t., at the Environmental Protection Agency Auditorium, 1600 Patterson Street, Suite 1100, Dallas, TX.

May 2, 1972, at 10 a.m., p.d.s.t., at Room 1138, Junipero Serra Building, 107 South Broadway, Los Angeles, CA.

Notice is hereby given that the location of the hearing in Washington, D.C., has been changed. The new location is as follows:

April 11, 1972, at 10 a.m., e.s.t., at the Thomas Jefferson Memorial Auditorium, Department of Agriculture, South Agriculture Building, 14th and Independence Avenue NW., Washington, DC.

There is no change in the dates or locations of the hearings to be held in Dallas, Tex., and Los Angeles, Calif.

Mr. William Megonnell is hereby designated Presiding Officer for the Washington hearing in place of Dr. Norman D. Shutler who was designated Presiding Officer in the FEDERAL REGISTER notice of March 14, 1972.

Dated: March 29, 1972.

ROBERT W. FRI,  
Deputy Administrator.

[FR Doc.72-5037 Filed 3-30-72; 8:51 am]

[40 CFR Part 180]

**DIMETHYL SULFOXIDE**

**Proposed Exemption From Tolerance for Pesticide Chemicals in or on Raw Agricultural Commodities**

Crown Zellerbach Corp., Chemical Products Division, Camas, Wash. 98607,

submitted a petition (PP 1E1017), proposing establishment of an exemption from the requirement of a tolerance for residues of dimethyl sulfoxide when used as a solvent in pesticide formulations.

Subsequently, the petitioner amended the petition by revising the limitations as follows:

1. Maximum dosage rate of 1 pound per acre.

2. Used as a solvent in pesticide formulations intended only for preemergence use on corn and soybeans.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the exemption is proposed.

2. The proposed exemption will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), it is proposed that § 180.1001 be amended by alphabetically inserting a new item in the table in paragraph (d), as follows:

**§ 180.1001 Exemptions from the requirement of a tolerance.**

(d) \* \* \*

Inert Ingredients	Limits	Uses
***	***	***
Dimethyl sulfoxide.	Maximum dosage rate of one pound per acre. Used in pesticide formulations intended only for corn and soybeans.	Solvent for formulations used before crop emerges from soil.
***	***	***

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 24, 1972.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc.72-4903 Filed 3-30-72; 8:48 am]

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Cost of Living Council Ruling 1972-38]

#### VIRGIN ISLAND MERCHANTS

##### Cost of Living Council Ruling

**Facts.** A is a merchant in the Virgin Islands who imports product X from the United States for sale in the Virgin Islands. He also exports product Y for sale in the United States. Price increases are proposed on both products.

**Issue.** Are the price increases on either product X or product Y governed by the Economic Stabilization Regulations?

**Ruling.** Price increases on product X are exempt from the Economic Stabilization Regulations; those on product Y are also exempt.

The Economic Stabilization Regulations apply only to economic units and transactions in the several States and the District of Columbia and to sales of goods and services by firms in the several States and the District of Columbia to firms in the Commonwealth of Puerto Rico, 6 CFR 101.1(e), 37 F.R. 3913 (February 24, 1972). Transactions occurring outside the United States are not governed by the regulations applicable to price increases under § 300.1, and a transaction is considered to occur outside the United States if delivery is to occur outside the United States for purposes of §§ 101.1(e) and 300.1. The "United States" as defined in § 300.5, includes the several States and the District of Columbia, and therefore, among other things, does not include the insular possessions of the United States. Therefore, A's purchases of product X for delivery in the Virgin Islands are excluded from the regulations governing price increases.

A's sales of product Y to U.S. importers are treated as imports into the United States. Section 101.34(d)(2) exempts imports from the Economic Stabilization Regulations as to their first sale into U.S. commerce (6 CFR 101.34(d)(2), 37 F.R. 1237 (January 27, 1972)). Therefore, A's sales of product Y are also exempt from the regulations governing price increases. When the U.S. importers offer product Y for sale, however, the prices they may charge are governed by the regulations.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: March 21, 1972.

LEE H. HENKEL, Jr.,  
Acting Chief Counsel,  
Internal Revenue Service.

Approved: March 21, 1972.

SAMUEL R. PIERCE, Jr.,  
General Counsel,  
Department of the Treasury.

[FR Doc.72-4958 Filed 3-30-72;8:50 am]

[Cost of Living Council Ruling 1972-39]

#### PUERTO RICO MERCHANTS

##### Cost of Living Council Ruling

**Facts.** A is a merchant in Puerto Rico who imports product X from the United States for sale in Puerto Rico. He also exports product Y for sale in the United States. Price increases are proposed on both products.

**Issue.** Are the price increases on either product X or product Y governed by the Economic Stabilization Regulations?

**Ruling.** Price increases on product X sold to A are subject to the Economic Stabilization Regulations; those on product Y are exempt.

Sales to firms in Puerto Rico by U.S. firms are treated in the same manner as sales between persons in the United States for purposes of the Economic Stabilization Regulations, 6 CFR 101.1(e)(ii), 37 F.R. 3913 (February 24, 1972). This treatment applies whether the terms of sale are f.o.b. a mainland port or f.o.b. a Puerto Rican port. Therefore, price adjustments as to product X for delivery in Puerto Rico are subject to the regulations governing price increases.

A's sales of product Y to U.S. importers are treated as imports into the United States. Section 101.34(d)(2) exempts imports from the Economic Stabilization Regulations as to their first sale into U.S. commerce. Therefore, A's sales of product Y are exempt from the regulations governing price increases. When the U.S. importers offer product Y for sale, however, the prices they may charge are governed by the regulations.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: March 21, 1972.

LEE H. HENKEL, Jr.,  
Acting Chief Counsel,  
Internal Revenue Service.

Approved: March 21, 1972.

SAMUEL R. PIERCE, Jr.,  
General Counsel,  
Department of the Treasury.

[FR Doc.72-4959 Filed 3-30-72;8:50 am]

[Pay Board Ruling 1972-22]

#### LONGEVITY RAISES

##### Pay Board Ruling

**Facts.** For the past several years, a printing firm regularly increased employees wages by allowing an automatic wage increase of \$5 a week every 6 months.

**Issue.** May the printing firm continue paying its longevity raises without charging these increases to the 5.5 percent standard?

**Ruling.** The Economic Stabilization Regulations, 6 CFR App. B(1); 36 F.R.

21952 (November 17, 1971), provide that employers are "allow(ed) without regard to the 5.5 percent standard the resumption of longevity increases and automatic progression within a rate range according to the terms of plans or established practices in existence prior to November 14, 1971." Since the rate is set at \$5 per 6-month period, and the increases are part of an established practice that has been in effect for several years, the firm may continue paying its employees their longevity raises.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: March 24, 1972.

LEE H. HENKEL, Jr.,  
Acting Chief Counsel,  
Internal Revenue Service.

Approved: March 24, 1972.

SAMUEL R. PIERCE, Jr.,  
General Counsel,  
Department of the Treasury.

[FR Doc.72-4960 Filed 3-30-72;8:50 am]

[Price Commission Ruling 1972-117; Cost of Living Council Ruling 1972-40]

#### PRECIOUS STONES AND MOUNTINGS

##### Price Commission Ruling and Cost of Living Council Ruling

**Facts.** X, a local jeweler, sells various items to customers. He sells a wide range of mounted diamond rings. To other customers, he allows them to pick out a diamond and a separate mounting from his inventory and he mounts the diamond to the customer's preference. He will also sell the mountings without stones individually. Besides the diamonds which make up a major part of his business, he sells other stones alone or mounted.

**Issue.** What price adjustments related to the jeweler's business are considered exempt by Economic Regulation 6 CFR 101.36(e), 37 F.R. 1241 (January 27, 1972)?

**Ruling.** Section 101.36(e) provides an exemption for "rock and stone specimens including precious stones and mounting into which precious stones are set." A precious stone is defined as natural diamonds, rubies, sapphires, and emeralds. Robert M. Shipley, Dictionary of Gems and Gemology (4th ed. 1948). By definition within the trade, natural pearls are also considered precious stones. Any one of the above-mentioned stones are to be considered exempt whether sold mounted or unmounted.

All other stones or rocks which are not man made, are considered exempt as long as they remain specimens. However, once such stones or rocks are mounted then they are to be considered non-exempt.

As for sale of mountings alone, they are considered nonexempt. Section 101.36

(e) only exempts a mounting in which precious stones are set.

The effect of all price increases, whether on exempt or nonexempt items, must not cause X to exceed his base period profit margin. Economic Stabilization Regulation, 6 CFR 300.13, 36 F.R. 23976 (December 16, 1971), and Price Commission Ruling 1972-36, 37 F.R. 2990 (February 10, 1972). However if X sells only exempt products, he does not have to give attention to his base period profit margin.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: March 23, 1972.

LEE H. HENKEL, Jr.,  
Acting Chief Counsel,  
Internal Revenue Service.

Approved: March 23, 1972.

SAMUEL R. PIERCE, Jr.,  
General Counsel,  
Department of the Treasury.

[FR Doc.72-4961 Filed 3-30-72;8:50 am]

[Cost of Living Council Ruling 1972-41;  
Price Commission Ruling 1972-118]

#### NEW RETAIL FIRMS—EXEMPTION AND POSTING GUIDANCE

#### Cost of Living Council Ruling and Price Commission Ruling

**Facts.** Retail Firm commenced business on August 1, 1971. It cannot have annual sales or revenue data before the 1 year period has expired, but estimates that its annual revenue will be less than \$100,000. Economic Stabilization Regulations, 6 CFR 101.34(j), 37 F.R. 3913 (February 4, 1972) exempts price adjustments of retail firms with annual sales or revenues of less than \$100,000. Economic Stabilization Regulations, 6 CFR 300.13 (e), 37 F.R. 1244 (January 27, 1972) exempts retailers with revenues of less than \$200,000 annually from the base price posting requirements.

**Issue.** Is Retail Firm exempted from price control and the posting requirements?

**Ruling.** These sections do not require new firms to wait 1 year before they can qualify for these exemptions. The Cost of Living Council and Price Commission intended to exempt firms with sales or revenues at the rate of \$100,000 or \$200,000 per year. If at the end of the first 3 months Retail Firm has sales of less than \$25,000 and does not anticipate its volume to rise over that rate, it will be exempt from further regulation. If, however, in any succeeding quarter its sales surpass the annual rate of \$100,000, Retail Firm will again be subject to price regulation. If this event occurs, Retail Firm will once again be limited to the base prices established during the freeze base period, July 15, 1971 through August 13, 1971, plus allowable increases. In no event will Retail Firm be permitted to establish new base prices. After Retail Firm has completed 1 year of business, the total sales or revenues will

determine the exemption status for the next year.

Retail Firm will be exempt from the base price posting requirements on the same grounds, except of course that a \$200,000 annual rate applies.

This ruling has been approved by the General Counsels of the Cost of Living Council and Price Commission.

Dated: March 24, 1972.

LEE H. HENKEL, Jr.,  
Acting Chief Counsel,  
Internal Revenue Service.

Approved: March 24, 1972.

SAMUEL R. PIERCE, Jr.,  
General Counsel,  
Department of the Treasury.

[FR Doc.72-4962 Filed 3-30-72;8:50 am]

## DEPARTMENT OF THE INTERIOR

### National Park Service

[Order 1]

#### DIRECTOR, DENVER SERVICE CENTER

##### Delegation of Authority

The Director, Denver Service Center, is authorized to exercise all the contracting authority now or hereafter vested in the Assistant Director, Service Center Operations, National Park Service.

(NPS Order No. 73 (36 F.R. 24945), as amended)

J. E. N. JENSON,  
Assistant Director,  
Service Center Operations.

[FR Doc.72-4943 Filed 3-30-72;8:48 am]

[Order 2]

#### CHIEF, CONTRACTING OFFICE, DENVER SERVICE CENTER

##### Delegation of Authority

The Chief, Contracting Office, Denver Service Center, is authorized to exercise all the contracting authority now or hereafter vested in the Assistant Director, Service Center Operations, National Park Service.

(NPS Order No. 73 (36 F.R. 24945), as amended)

J. E. N. JENSON,  
Assistant Director,  
Service Center Operations.

[FR Doc.72-4944 Filed 3-30-72;8:48 am]

[Order 3]

#### ASSISTANT DIRECTOR, FINANCE AND CONTROL, AND CHIEF, DIVISION OF PROPERTY MANAGEMENT AND GENERAL SERVICES, DENVER SERVICE CENTER

##### Delegation of Authority

1. The Assistant Director, Finance and Control, Denver Service Center, is authorized to enter into, approve and administer contracts not in excess of

\$50,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the Assistant Director, Finance and Control, in behalf of any unit, division or activity under the administration of the Denver Service Center.

2. The Chief, Division of Property Management and General Services, Denver Service Center, is authorized to enter into, approve and administer contracts not in excess of \$25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the Chief, Division of Property Management and General Services, in behalf of any unit, division or activity under the administration of the Denver Service Center.

(NPS Order No. 73 (36 F.R. 24945), as amended)

J. E. N. JENSON,  
Assistant Director,  
Service Center Operations.

[FR Doc.72-4945 Filed 3-30-72;8:48 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[Docket No. SH-305]

#### SUGARCANE FROM HAWAII

#### Notice of Hearing on Prices for 1972 Crop and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the Council Room of the Hawaii County Building, 25 Aupuni Street, on April 25, 1972, beginning at 9 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of said act, fair and reasonable prices or rates for the 1972 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present

appropriate data in regard to the foregoing matter. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Tom O. Murphy, James E. Agnew, C. F. Denny, and Clarence Chau are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on March 27, 1972.

KENNETH E. FRICK,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[FR Doc.72-4950 Filed 3-30-72;8:49 am]

Rural Electrification Administration  
ASSOCIATED ELECTRIC  
COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a draft environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with loan applications from 43 distribution cooperatives supplied by Associated Electric Cooperative, Inc., of Springfield, Mo., through six member G&T systems. These funds will provide financing related to construction of a 600,000 kw. generating unit at the New Madrid plantsite, New Madrid County, Mo. Financing arrangements involve a wholly owned subsidiary of Associated, known as Federated Electric Cooperative, Inc.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA draft environmental statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The draft environmental statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. Room 4322, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers at the address given above. Comments must be received within thirty (30) days

of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 27th day of March 1972.

DAVID A. HAMIL,  
Administrator,  
Rural Electrification Administration.  
[FR Doc.72-4954 Filed 3-30-72;8:49 am]

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration  
AIRPORT FIELD OFFICE AT LINCOLN,  
NEBR.

Notice of Closing

Notice is hereby given that on or about April 1, 1972, the Airport Field Office at Lincoln, Nebr., will be closed. Services to the general public in Nebraska, formerly provided by this office, will be provided by the Airports Division Regional Office in Kansas City, Mo. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Kansas City, Mo., on March 22, 1972.

JOHN M. CYROCKI,  
Director, Central Region.

[FR Doc.72-4913 Filed 3-30-72;8:45 am]

National Transportation Safety Board  
[Docket No. SA-431]

AIRCRAFT ACCIDENT AT ALBANY,  
N.Y.

Notice of Accident Investigation  
Hearing

In the matter of investigation of accident involved Mohawk Airlines, Inc., FH-227B, of U.S. Registry N7818M, Albany, N.Y., March 3, 1972, Docket No. SA-431.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., e.s.t., on April 25, 1972, at the Dewitt Clinton Hotel, State and Eagle Streets, Albany, N.Y.

Dated this 28th day of March 1972.

[SEAL] LESLIE D. KAMPSCHROB,  
Hearing Officer.

[FR Doc.72-5022 Filed 3-30-72;8:54 am]

ATOMIC ENERGY COMMISSION

LEASING OF CONTROLLED URANIUM  
BEARING LANDS, COLORADO,  
UTAH, AND NEW MEXICO

Notice of Availability of the General  
Manager's Draft Environmental  
Statement

Notice is hereby given that a document entitled, "Draft Environmental Statement—Leasing of AEC Controlled Uranium Bearing Lands, Colorado, Utah, and New Mexico" issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Albuquerque Operations Office, Post Office Box 5400, Albuquerque, NM 87115; Grand Junction Office, Post Office Box 2567, Grand Junction, CO 81501; Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439, and New York Office, 376 Hudson Street, New York, NY 10014. This statement was prepared in support of the Commission's administrative action covering the leasing of uranium bearing lands.

The draft environmental statement will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 24th day of March 1972.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary of the Commission.

[FR Doc.72-4977 Filed 3-30-72;8:51 am]

STATE OF NEVADA

Proposed Agreement for Assumption  
of Certain AEC Regulatory Au-  
thority.

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Nevada for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A narrative, prepared by the State of Nevada and describing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Nevada regulations, is available for public inspection in the

Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Md., this 27th day of March 1972.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary of the Commission.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEVADA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nevada is authorized under Nevada Revised Statutes 459.080 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nevada certified on March 9, 1972, that the State of Nevada (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on \_\_\_\_\_ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

#### ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

#### ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
- C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;
- D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

#### ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

#### ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or 1. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

#### ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

#### ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

#### ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

#### ARTICLE VIII

This Agreement shall become effective on July 1, 1972, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at \_\_\_\_\_, State of Nevada, in triplicate, this \_\_\_\_\_ day of \_\_\_\_\_, 1972.

For the U.S. Atomic Energy Commission.

For the State of Nevada.

MIKE O'CALLAGHAN, Governor.

#### FOREWORD

The State of Nevada, while recognizing that the scientific, medical, and industrial usages of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is ever committed to the protection of public health and safety, the Nevada State Legislature enacted the Nuclear Affairs Act.

This Act, and supplemental legislation, provides the legal structure for a comprehensive radiological health and regulatory program compatible with that of the U.S. Atomic Energy Commission and that of those States who have entered into agreement with the Commission.

The Act authorizes the Governor, on behalf of the State, to enter into an agreement with the Federal Government providing for discontinuance of certain responsibilities of the Federal Government relating to ionizing radiation and the assumption of such responsibilities by the State. The Act also designates the Nevada State Board of Health as the radiation control agency for the State.

The following narrative relates the history, current practices, proposed activities, capabilities, and resources of the State in the field of radiological health.

#### HISTORY

1931 The State Legislature passed a law prohibiting the use of X-rays for the treatment of the scalp or for the removal of surplus hair by cosmetologists (NRS 644.470).

1959-60 One State employee attended a U.S. Atomic Energy Commission sponsored Health Physics Course at Oak Ridge, Tenn.

A laboratory radiation counter was purchased for the purpose of determining background levels from selected stations within the State.

A course for Radiological Defense Instructors was given to personnel from State, county, and city organizations by State Health Division personnel.

A law was passed in 1960 preventing the operation or maintenance of any shoe-fitting device using fluoroscopic or radiation principles (NRS 202.245).

1961-62 During this period, a medical and dental X-ray survey of diagnostic X-ray machines in the State was conducted. This survey, which was voluntary and performed only in those installations requesting it, was accomplished by teams composed of U.S. Public Health Service and State Health Division personnel. The primary objectives of the survey were to check collimation and filtration of the X-ray units and make recommendations where necessary.

Regulations governing the manufacture, use, storage, handling, transportation and disposal of ionizing radiation producing devices and materials were prepared for and adopted by the Nevada State Board of Health in January 1962. The regulations provided standards to assure minimum exposure to personnel handling or working with ionizing radiation producing devices and materials and to the general public.

Acquisition of Federal land near Beatty, Nev. was authorized for lease to Nuclear Engineering Co. as a low-level, solid radioactive waste burial site.

The first phase of a program to establish a Radiological Defense Organization for the Nevada Civil Defense Agency was also completed during this period. This phase entailed training of Highway Department and Highway Patrol personnel as radiation monitors in the event of nuclear war. All Highway Maintenance Stations, Highway District Headquarters, Highway Patrol Stations, and approximately half of the Highway Patrol vehicles were supplied with radiation monitoring instruments.

1963-64 During this period, training and refresher courses for radiological monitors for the Civil Defense Agency were continued. Most of this training was directed at State employees. Establishment of 167 radiological fallout monitoring stations provided with 1,000 radiation detection instruments was completed. Maintenance of the radiation detection instruments was improved by the acquisition of Federal funds for a maintenance shop and technicians' salaries.

In 1963, the State Radiation Control Act was adopted for the control of ionizing radiation within the State, and enabling the State to enter into an agreement with the Federal Government to assume responsibilities relating to sources of ionizing radiation previously the responsibility of the Federal Government (NRS 459.010 to 459.160, inclusive).

Two employees attended a U.S. Atomic Energy Commission orientation class for agreement States and two employees attended a U.S. Public Health Service course on gamma spectroscopy during this period.

A voluntary resurvey of medical diagnostic X-ray units was made during June and July, 1964 by U.S. Public Health Service teams.

1965-66 State personnel surveyed all new or relocated X-ray machines. In the 2-year period, 123 new or relocated X-ray tubes in medical and dental facilities were inspected.

Participation in U.S. Public Health Service environmental programs included collecting representative portions of meals served at the State Children's Home in Carson City for analysis by the Southwest Radiological Health Laboratory at Las Vegas. Analysis for fission product residue was performed to determine the contribution of diets to radionuclide body burden for the general public. All of the milk sheds in the State were sampled monthly for a similar analysis.

1969-70 In 1969, the text of the Western Interstate Nuclear Compact was enacted into law (NRS 459.200 to 459.240, inclusive). The Compact provides for a cooperative effort in nuclear and related fields to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

The State Superintendent of Public Instruction and all county supervisors were apprized of the hazards involved due to the use of cold cathode gas discharge tubes.

State personnel accompanied U.S. Atomic Energy Commission compliance inspectors on inspections of AEC-licensed facilities within the State during this biennium, as they have on many previous occasions.

1971 In 1971, legislation was passed controlling air pollution and water pollution (respectively, NRS 445.401 to 445.601, inclusive; and NRS 445.130 to 445.385, inclusive). The Commission of Environmental Protection was created by this legislation as the controlling agency for air and water pollution.

#### PRESENT PROGRAM

Two full-time radiation control specialists were hired by the State in September, 1971, to implement the radiation control program. Their major efforts up to this time have been the preparation of radiation control regulations, activities to enable the State to become an agreement State with the U.S. Atomic Energy Commission, participation in several lengthy training courses sponsored by the U.S. Atomic Energy Commission and the Environmental Protection Agency, and on-the-job training.

#### SCOPE OF ACTIVITIES

The radiation control program encompasses the regulatory program associated with licensing of radioactive materials and registration of radiation producing machines, environmental surveillance, and response to emergency situations involving sources of radiation.

Within the State of Nevada, there are an estimated 388 X-ray machines: 188 dental units; 200 medical units, fluoroscopic and diagnostic; and six reported for industrial radiography. The number of U.S. Atomic Energy Commission Licenses within the State of Nevada in effect January 1, 1972, was 44. The number of radium sources is not known; but the number of facilities reported using radium sources is eight: Four medical, three industrial and one institutional. There are an estimated five particle accelerators being used, with two accelerators to begin routine operation in the latter part of 1972.

There are few installations which may necessitate environmental surveillance activities. A research reactor is operable at the University of Nevada, Reno; a commercial burial site for low-level radioactive waste is located at Beatty, Nev.; and the Nevada Test Site.

#### STATUTORY AUTHORITY

The following Nevada Revised Statutes (NRS) provide for the Governor to enter into an agreement with the U.S. Atomic Energy Commission, administrative procedures, authority to promulgate regulations, enforcement of regulations, administration of public health, special prohibited uses of ionizing radiation, and mutual aid in the event of nuclear incident.

NRS 459.010-459.160, inclusive, "State Radiation Control." This statute provides for Federal-State agreements concerning the responsibility for control of sources of ionizing radiation, designates the State Board of Health as the State radiation control agency, and provides the basis for radiation control.

NRS 459.200. "Western Interstate Nuclear Compact." Article VI of this statute provides for mutual aid between party States in the event of a nuclear incident.

NRS 233B. "Nevada Administrative Procedures Act." This Act establishes minimum procedural requirements for regulation-making and adjudication procedures of all agencies of the executive department of the

State government and for judicial review of both functions. The provisions of the law are intended to supplement statutes applicable to specific agencies.

NRS 439. "Administration of Public Health." 439.130 requires the State Health Officer to enforce all laws and regulations pertaining to public health and empowers him to enter upon and inspect any public or private property in the State in the course of his work, and authorizes subordinates to act in his place and stead.

439.150 declares that the State Board of Health be supreme in all health matters except administrative matters and that it shall have supervision over the work of the State Health Officer.

439.200 declares that the State Board of Health shall have the power to adopt, promulgate, amend and enforce reasonable rules and regulations consistent with law and that such rules and regulations shall have the force and effect of law and shall supersede all local ordinances and regulations enacted inconsistent therewith.

NRS 202.245, states that no person may operate or maintain any shoe-fitting device or shoe-fitting machine which uses fluoroscopic, X-ray, or radiation principles.

NRS 644.470, prohibits the use of any X-ray machine by cosmetologists in the treatment of the scalp or in the removal of surplus hair.

NRS 445.130 to 445.385, inclusive, provides for the control of water pollution within the State.

NRS 445.401 to 445.601, inclusive, provides for the control of air pollution within the State.

#### PROCEDURES AND POLICIES

##### LICENSING AND REGISTRATION

The Bureau of Environmental Health, Division of Health, is charged with the responsibility of operating the radiation control program for the Nevada State Board of Health. The program shall regulate and control the usage of all sources of ionizing radiation within the State including radium and accelerator produced nuclides, X-ray generating machines, and particle accelerators. Registration is required for the use of X-ray machines and particle accelerators, and licensing is required for the use of radioactive materials.

The licensing program shall be essentially the same as that presently utilized by the U.S. Atomic Energy Commission and shall use criteria established by the U.S. Atomic Energy Commission. The Chief of the Bureau of Environmental Health and key staff members will evaluate each radioactive material license application, and perform preclearing visits if deemed necessary. The U.S. Atomic Energy Commission shall be consulted concerning the nonroutine medical uses of radioactive material, and for any circumstance which indicates that advice and guidance concerning the application of radiation or radioactive material is required. Upon approval, specific licenses shall be endorsed by the State Health Officer or his duly authorized representatives for the Nevada State Board of Health.

##### INSPECTION

Qualified staff personnel shall conduct inspections of licensees' and registrants' facilities to assure compliance with the regulations and to evaluate the adequacy of radiation protection programs. Inspection shall be either by pre-arrangement or on an unscheduled basis during working hours.

Licensees' and registrants' facilities shall be inspected on a priority basis determined by the classification of use, degree of hazard, previous violations, training, and experience of the user and other relevant factors. The

initial planned inspection frequencies are as follows:

Category	Anticipated inspection frequency (months)
Industrial radiography	12
Operations involving waste disposal	6
Broad licenses, industrial, medical, or academic	12
Other specific licenses, industrial, medical or academic	12-24
X-ray, medical, industrial, or academic	12-24

The above inspection frequencies are subject to change due to circumstances and experience. At the start of an inspection, personal contact at management level will be made whenever possible. At the completion of each inspection, the inspector will confer with licensee management to discuss the results of his inspection, presenting oral recommendations or suggestions as required and answering questions concerning the regulatory program.

A comprehensive written report concerning each inspection shall be prepared by the inspector and reviewed by qualified Bureau of Environmental Health personnel.

#### COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions shall be determined through inspections and evaluations of inspection reports. Licensees and registrants shall be informed of the results of all inspections, orally at the time of inspection and by letter or notice from the Agency.

When items of minor noncompliance are found and the licensee or registrant agrees at the time of inspection to correct them promptly, no further action shall be taken by the inspection Agency, except that the licensee or registrant shall receive a letter from the Agency stating the items of noncompliance, and that these items shall be checked at the next scheduled inspection.

When items of major noncompliance are found, the licensee or registrant shall be informed orally at the time of inspection and subsequently by letter of the items of noncompliance and he shall be required to reply in writing within a stated time as to the corrective action taken and the completion date or anticipated completion date of the corrective action. Assurance that the corrective action has been taken shall be determined by a followup inspection or at the time of the next regularly scheduled inspection, as circumstances warrant.

A license, upon request of a licensee, may be amended to be consistent with the Act or regulations or to meet changing conditions in operations. The Agency may amend, suspend, or revoke a license in the event of continual refusal of the licensee to comply with the terms and conditions of the license, the Act, or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Agency shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may without notice or hearing issue a regulation or order noting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not willing to observe the provisions of the Act or regulations issued thereunder. After these actions, the licensee has a right to a hearing.

A court order directing a person to comply, or enjoining such practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been offered.

The Agency shall endeavor to gain compliance by cooperative and educational methods. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, shall the full weight of legal procedure normally be employed.

#### EFFECTIVE DATE OF LICENSE TRANSFER AND RECIPROCIITY

Any person who, on the effective date of the agreement with the U.S. Atomic Energy Commission, possesses a license issued by the U.S. Atomic Energy Commission shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such a license or on the date of expiration specified in the Federal license, whichever is earlier. The Nuclear Affairs Act enacted by the Nevada Legislature and the Rules and Regulations promulgated by the Nevada State Board of Health pursuant to the above legislation provides for recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States.

#### RADIOLOGICAL EMERGENCY CAPABILITY

The State of Nevada Emergency Procedures Manual and Nevada Revised Statute 459.120 designates the Department of Health, Welfare, and Rehabilitation and the Nevada State Board of Health, respectively, as the responsible agencies in the event of an accident involving radioactive materials. It will be the responsibility of the Bureau of Environmental Health to respond for these agencies in such an emergency.

Notification of an emergency may be by a State licensee or by the Nevada State Highway Patrol, local enforcement agencies, or local fire departments through the Atomic Energy Commission, Nevada State Highway Patrol, local enforcement agencies, and local fire departments have, during various training courses, received cards and posters listing the telephone numbers of the Atomic Energy Commission.

Bureau of Environmental Health personnel shall respond either as the emergency response team or as the agency responsible for public health and safety. The nature of the response may vary from an office evaluation and advisement of controls to on-the-site evaluation, radiation, and radioactivity measurements, establishment of controls, and coordination of support agencies.

Upon request, the State Civil Defense and Disaster Agency shall coordinate the transportation of Bureau personnel to the site of the incident, the installation of a communication network, and the supply of any power and heavy duty equipment needed. For any transportation or communications not provided, the Bureau will depend on commercial and other State organizations.

The State of Nevada is a member of the Western Interstate Nuclear Compact. Should circumstances warrant during the course of a radiological incident, member States of the Compact shall be requested to provide assistance to the State according to the mutual aid feature of the Compact.

The Bureau of Environmental Health will make a request to the Environmental Protection Agency, Western Environmental Research Laboratory, for any radioanalysis required beyond the capability of the Bureau's laboratory instrumentation.

Future plans for emergency situations include a review and revision of existing radiological emergency procedures reflecting the enlarged staff, the acquisition of any special radiation detection instrumentation

which may be required, the formation of a radiological emergency team and the preparation of radiological emergency kits which will be available for immediate use.

#### ORGANIZATION AND STAFF

The State Board of Health is designated as the radiation control agency for the State by the Radiation Control Act and is authorized to carry out the provisions of the Act. The State Division of Health is responsible for the radiation control program for the Board of Health, with implementation of the program performed by the Bureau of Environmental Health. The State Health Officer functions as the head of the Division of Health, and as Secretary to the Board of Health. The Radiological Control Section is under the Chief, Bureau of Environmental Health, who reports to the State Health Officer. These relationships are illustrated in Chart 1 of the Appendix.

The two radiation control specialists in the Radiological Control Section shall devote full time to the radiation control program for licensing and registration functions, inspection of licensed and registered facilities, response to emergency situations, and to all other radiation control activities within the State over which the State Board of Health has authority. This section shall maintain all records pertinent to the radiation control program including those which will permit the U.S. Atomic Energy Commission to evaluate the status of the program with regard to its compatibility with those of other agreement States, and that of the Commission. The Chief and the Assistant Chief of the Bureau shall participate in licensing and registration functions to provide greater manpower depth to the small Radiological Control Section.

The Commission of Environmental Protection is the agency responsible for the control of air and water pollution within the State. However, the regulations promulgated by the Commission will not conflict with those of the Board of Health for radiation control. The Bureau of Environmental Health is designated as the advisory and implementing agency for the Commission, and the Chief, Bureau of Environmental Health is the Control Officer for the Commission. The relationship between the Board and the Commission is illustrated in Chart 2 of the Appendix.

Position titles, education, and experience of Bureau of Environmental Health personnel directly involved in the activities of the radiological health program are listed below. Replacements for these personnel, if required, shall be recruited as soon as possible. The level of experience, education, and training shall be that required by the position descriptions contained in the Appendix.

ERNEST G. GREGORY—Chief, Bureau of Environmental Health

#### Education

University of Nevada—B.S. Civil Engineering; 1951.

#### Other Training

USPHS—Basic Radiological Health; 2 weeks.  
USPHS—Gamma Spectroscopy; 2 weeks.

#### Experience

1965—Present Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1956-65 Public Health Engineer, Bureau of Environmental Health, Nevada State Health Division. Principal area of responsibility was in water pollution control. From 1958 to 1963 served as the Civil Defense Radiological Office for the State, which included the training of Civil Defense radiation monitors and radiation monitor instructors. Held a byproduct material license for

Civil Defense Model, CDV-784-786 radioactive sources.

1952-56 Right-of-way Agent, Nevada State Highway Department.

1951-52 Hydrologist, U.S. Bureau of Reclamation.

#### Miscellaneous

Registered Professional Engineer—Wendell D. McCurry—Assistant Chief, Bureau of Environmental Health.

#### Education

Murray State Agricultural College—A.S. Engineering; 1959-61.

Oklahoma State University—B.S. Civil Engineering; 1963.

Oklahoma State University—M.S. Public Health and Sanitary Engineering; 1965.

University of Florida—Post Graduate work in Environmental Engineering and Radiological Health; 1964-66.

#### Other Training

USPHS—Occupational Health Course; 2 weeks.

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.

USPHS—Medical X-ray Protection; 2 weeks.

#### Experience

1970-Present Assistant Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1966-70 Public Health Engineer II, Nevada State Health Division. Duties very similar to present position.

#### Miscellaneous

Registered Professional Engineer—William G. Horton—Radiation Control Specialist III.

#### Education

University of New Mexico—B.S. Geology; 1953.

#### Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.

EPA—Medical X-ray Protection; 2 weeks.

USPHS—Basic Radiological Health; 2 weeks.

Picker X-ray Corp.—Isotopes and X-rays for Industrial Radiography; 1 week.

Defense Atomic Support Agency and Reynolds Electrical and Engineering Company—Emergency Radiation Team Training; 1 week each course.

AEC—Ten-week Health Physics course beginning April 3, 1972.

#### Experience

1971-Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1967-71 Supervisor of Environmental Monitoring, Battelle Northwest, Richland, Washington. Primarily responsible for implementing the overall environmental surveillance program at Hanford. Supervised radiation monitors taking samples and performing radiation and contamination surveys in the environs. Assisted in program planning, analytical result evaluation, and program coordination. Provided liaison with analytical laboratories.

1959-67 Engineer, ACFL, Inc., Albuquerque, New Mexico. Had primary responsibility for all radiological protection in a manufacturing plant possessing numerous X-ray devices and sealed radioactive sources. Provided shielding design for radiographic facilities and radiological protection requirements for a U 235-loaded graphite testing facility. Prepared formal operating procedures governing non-destructive testing and radiological protection practices.

1953-57 Seismologist and Party Chief, Continental Oil Company, Ponca City, Oklahoma. Primary responsibility was for operation of geophysical field crew exploring for oil, and interpretation of geophysical and geological data.

Richard W. Reynolds—Radiation Control Specialist II.

#### Education

University of Nevada—B.S. Zoology; 1966.

University of Nevada—M.S. Nuclear Engineering; 1971.

#### Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.

EPA—Medical X-ray Protection; 2 weeks.

Reynolds Electrical & Engineering Co.—Basic Radiological Monitoring.

#### Experience

1971—Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1968-71 Graduate Research Fellow, Department of Nuclear Engineering, University of Nevada, Reno, Nev.

1966-68 Health Physicist, Health Physics Branch, Mare Island Naval Shipyard, Vallejo, Calif. Primary responsibility was the supervision of field surveillance of storage and usage of sources of ionizing radiation in medical, nondestructive test, instrument calibration, supply, and nuclear propulsion programs.

1964 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary duty assignment was gamma spectral analysis of filter systems used for aerosol surveillance during nuclear device testing.

1962-63 Nuclear Powerman, U.S. Army, Walter Reed Army Medical Center, Washington, D.C. Primary duty assignment was radiochemical analysis of coolant, effluent and environmental samples from research reactor areas at this installation.

1960-61 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary assignment was the radiochemical analysis of environmental and bioassay samples, collected as part of the surveillance program for GNOME, PLUTO, NERVA, and other projects.

#### BUDGET FOR THE RADIOLOGICAL HEALTH SECTION

Fiscal year 1971-72	
Personnel	\$26,295.71
Travel (in-State)	3,332.00
Travel (out-of-State)	2,386.00
Operating expenses	3,000.00
Capital equipment	3,000.00
Total	34,943.71
Fiscal year 1972-73	
Personnel	27,381.74
Travel (in-State)	3,500.00
Travel (out-of-State)	2,464.00
Operating expenses	2,464.00
Capital equipment	2,464.00
Total	33,345.74

NOTE: For the capital equipment budget for fiscal year 1971-72, it is anticipated that matching funds for procurement of radiation detection and measurement equipment will be obtained from the Federal Office of Civil Defense, Department of the Army.

#### INSTRUMENTATION

Listed below is the field and laboratory instrumentation and radioactive sources which the Bureau of Environmental Health

will utilize for the detection and measurement of radiation during routine inspections and emergencies for the identification and measurement of radioactive materials during periodic environmental surveillance and for the standardization of instrumentation, respectively.

#### Field Instrumentation—Survey

Alpha	Range
1 Eberline Alpha Counter, scintillation type, Model Pac-4 <sup>3</sup> .	0-2 x 10 <sup>6</sup> c.p.m.

#### Neutron

1 Nuclear Chicago Portable Survey Meter, Model 2671.	0-2.5 x 10 <sup>4</sup> n/cm. <sup>2</sup> /sec.
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#### Beta, X-rays, and Gamma

1 Eberline Beta-Gamma Counter, GM Type, Model E-250.	0-2 R/hr.
2 Victoreen Survey Meters, ion chamber type, Model 470.	0-300 mR/hr. and R/hr.

#### Calibration and Standard Measurements

2 Victoreen Condenser R-meters, Model 570.	
2 Victoreen R-meter chambers, Model 130.	0-250 mR, 30-500 keV.
2 Victoreen R-meter chambers, Model 227.	0-1R, 30-500 keV.
1 Victoreen R-meter chamber, Model 552.	0-2.5R, 400-1300 keV.
2 Victoreen R-meter chambers, Model 70-5.	0-25R, 30-250 keV.
1 Victoreen R-meter chamber, Model 326.	0-10R, 30-350 keV.

#### Sources

1 set of Tracerlab Gamma Spectrometer Sources, Model R-35.
1 set of Eberline Pu <sup>239</sup> Calibration Sources, Model S94-1.
1 Tracerlab C <sup>13</sup> source, Model R210.

#### LABORATORY INSTRUMENTATION

#### Gamma Spectroscopy

1 Tracerlab Model SC-76S single channel analyzer interconnected with a Tracerlab Model SC-71 scaler, Model SC-87B Auto-Printer, and SC-57A well scintillation detector, which houses a 2-inch x 1 1/4-inch NaI well crystal.
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#### Alpha, Beta, and Gamma Measurements

1 Tracerlab Model SC-71 scaler connected with a Model SC-87B Auto-Printer and FD-2 Flow Detector, used both as a geiger and proportional counter, and a SC-57A well scintillation detector.
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[FR Doc.72-4877 Filed 3-30-72; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 23486; <sup>1</sup> Order 72-3-81]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Passenger Fare Matters

Issued under delegated authority, March 24, 1972.

By Order 72-2-94, dated February 29, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by Joint Conferences 2-3 and 1-2-3 of the International Air Transport Association (IATA). The agreement

<sup>1</sup> Order 72-2-94 was inadvertently assigned Docket 23333.

would maintain through March 31, 1972, the effectiveness of certain fares and related resolutions between points in Europe/Africa/Middle East and other points in the Eastern Hemisphere, including Guam, Okinawa, and American Samoa.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 72-2-94 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22928 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-4974 Filed 3-30-72;8:51 am]

[Docket No. 11278, etc.; Order 72-3-78]

## NEW YORK-SAN JUAN CARGO RATES INVESTIGATION

### Order of Termination

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of March 1972.

By an order to show cause, adopted October 6, 1971, Order 71-10-27, the Board proposed to revoke its outstanding orders prescribing minimum rates between New York, Newark, Philadelphia, Baltimore, and Washington, D.C., on the one hand, and San Juan, P.R., on the other. The order further proposed to terminate the New York-San Juan Cargo Rates Investigation, Docket 11278 et al. Interested persons were directed to show cause why such orders should not be revoked and to file answers in support of or in opposition to the Board's proposal.

The only response to the Board's order was filed by Pan American World Airways, Inc. (Pan American), which concurs with the proposed revocation. The carrier, however, requests that the revocation be modified to retain the requirements of traffic and revenue data reports, in order to enable the Board to monitor the results of the revocation of the minimum rate order. Pan American states that its cost of reporting the data is small in comparison with the value of continuous, current records.

In the above order the Board found, inter alia, that the New York-San Juan market now appears stabilized and no rate war appears probable in the near future. Furthermore, air carriers should have the initial responsibility of filing rates subject to the suspension and investigation powers that the statute accords the Board. On the basis of the response received, the opportunity for comments, and other relevant matters before it, the Board confirms the findings and conclusion set forth in the order to show cause and will revoke the outstanding orders prescribing minimum rates and

provisions applicable between New York, Newark, Philadelphia, Baltimore, and Washington, D.C., on the one hand, and San Juan, on the other, which are enumerated in ordering paragraph (1) herein.

We shall, by this order, however, continue for the present the requirement that the carriers submit to the Board monthly reports setting forth data on traffic and revenue in the New York-San Juan market. These data have proved useful in evaluating the effects of the minimum rate control and of rate changes in the market.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 407 and 1002 thereof:

It is ordered, That:

1. Orders E-23431, decided March 28, 1966; E-23840, June 21, 1966; and 71-2-81, February 17, 1971 (including the orders superseded thereby), are hereby revoked;

2. Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc., shall continue to submit to the Bureau of Accounts and Statistics monthly reports on CAB Form T-94 setting forth data on traffic and revenue between New York and San Juan, P.R.; and

3. The New York-San Juan Cargo Rates Investigation, Docket 11278 et al., is terminated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-4975 Filed 3-30-72;8:51 am]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards AMERICAN SOFTWOOD LUMBER STANDARD

#### Notice of Publication of Amendment

The National Bureau of Standards is giving public notice of the publication of Amendment No. 1 to Voluntary Product Standard PS 20-70, "American Softwood Lumber Standard." This amendment, which was published in accordance with § 10.10(c) of the Department of Commerce's "Procedures for the Development of Voluntary Product Standards," and became effective March 9, 1972, changes the composition of the National Grading Rule Committee of the American Lumber Standards Committee to provide for lumber distributor representation.

Copies of this amendment may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234.

Dated: March 28, 1972.

LEWIS M. BRANSCOMB,  
Director.

[FR Doc.72-4963 Filed 3-30-72;8:51 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

#### Entry or Withdrawal From Warehouse for Consumption

MARCH 27, 1972.

On March 16, 1972, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Thailand concerning exports of cotton textiles and cotton textile products from Thailand to the United States over a 5-year period beginning on April 1, 1972, and extending through March 31, 1977. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories, and within the aggregate limit specific limits on Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64 for the first agreement year beginning on April 1, 1972.

Accordingly, there is published below a letter of March 27, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above Categories produced or manufactured in Thailand which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning April 1, 1972, and extending through March 31, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources.

ASSISTANT SECRETARY OF COMMERCE  
COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

MARCH 27, 1972.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 16, 1972, between the Governments of the United States and Thailand, and in accordance with Executive Order 11651 of March 3, 1972, you are directed to prohibit,

effective April 1, 1972 and for the 12-month period extending through March 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64, produced or manufactured in Thailand, in excess of the following levels of restraint:

Category	12-month levels of restraint
9/10	1,875,000 square yards.
15/16	750,000 square yards.
18/19	1,875,000 square yards.
22/23	1,125,000 square yards.
26/27	1,500,000 square yards (of which not more than 1,000,000 square yards shall be in duck fabric <sup>1</sup> ).
43	48,000 <sup>2</sup> dozen.
45	20,000 dozen.
46	18,000 dozen.
47	15,800 dozen.
48	9,000 dozen.
49	14,000 dozen.
50	25,000 dozen.
51	25,000 dozen.
52	27,000 dozen.
53	7,700 dozen.
54	14,000 dozen.
55	6,800 dozen.
60	38,000 dozen.
62	76,087 pounds.
63	76,087 pounds.
64	81,522 pounds.

<sup>1</sup>The T.S.U.S.A. numbers for duck fabric are:

320...01	through 04, 06, 08
321...01	through 04, 06, 08
322...01	through 04, 06, 08
326...01	through 04, 06, 08
327...01	through 04, 06, 08
328...01	through 04, 06, 08

Cotton textiles and cotton textile products in the above categories produced or manufactured in Thailand and which have been exported prior to April 1, 1972, shall not be subject to this directive.

Cotton textiles and cotton textile products in the above categories which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 16, 1972, between the Governments of the United States and Thailand which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice

provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

STANLEY NEHMER,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-4964 Filed 3-30-72;8:51 am]

## ENVIRONMENTAL PROTECTION AGENCY

### 2-ETHYLTHIO-4,6-BIS(ISOPROPYLAMINO)-s-TRIAZINE

#### Notice of Establishment of Temporary Tolerance

Geigy Agricultural Chemicals, Division of Ciba-Geigy Corp., Ardsley, N.Y. 10502, submitted a petition (PP 2G1186) requesting establishment of a temporary tolerance for residues of the herbicide 2-ethylthio-4,6-bis(isopropylamino)-s-triazine in or on the raw agricultural commodity cottonseed at 0.1 part per million.

It has been determined that a temporary tolerance of 0.1 part per million for residues of the herbicide in or on cottonseed is safe and will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Geigy Agricultural Chemical name.

This temporary tolerance expires March 24, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: March 24, 1972.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc.72-4909 Filed 3-30-72;8:49 am]

### PESTICIDES CONTAINING BENZENE HEXACHLORIDE, LINDANE AND ENDRIN

#### Notice for Submission of Views with Respect to Uses

This Agency has the responsibility for the continuous review of all economic poisons which are registered pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) (FIFRA). Of particular concern in this process are pesticides which are persistent and cause or can cause contamination of the environment and

damage to various life forms within it. Benzene hexachloride, lindane, and endrin are suspected of being such pesticides.

Notice is hereby given that this Agency is initiating an extensive review of the registrations of products containing benzene hexachloride, lindane, and endrin to determine whether such registrations should be canceled, in whole or in part. The review is being conducted on a use-by-use basis and the agency staff, in making its determinations concerning continued registrations of these products, will weigh benefits against risks for each use category.

Although all registered uses are being considered, areas of particular concern include the following uses:

*Benzene hexachloride.* Control of (1) soil insects; (2) foliar insects;

*Lindane.* Control of (1) foliar insects; (2) soil insects; (3) household insects; (4) lawn and ornamental insects; (5) pests of pets and livestock, exclusive of poultry; (6) pests of commercial and agricultural premises; (7) human scabies and lice.

*Endrin.* Control of (1) foliar insects; and (2) orchard mice.

This notice is to afford interested persons an opportunity, within 60 days of publication, to submit written comments on the question of whether the registrations of economic poisons containing benzene hexachloride, lindane, and endrin should be retained.

Comments are solicited particularly with respect to the benefits resulting from, and risks incident to, the use of these products, including relevant information on the following:

(1) Importance of use by crop category or pattern of use, including degree of control achieved by use;

(2) Effect of discontinuing use, including degree of—

(a) Anticipated crop loss and geographical area affected,

(b) Affect of such loss on consumer price of the crop,

(c) Affect of such loss on producers.

(3) Alternative pesticides available, including safety and effectiveness and cost of alternatives for any use. Relevant factors are not merely the cost of alternatives, but the relationship of such cost to overall variable costs of production; the likelihood that alternatives might be cheaper if more extensively used.

(4) Any use for which alternative economic poisons are not available;

(5) Volume or extent of use;

(6) Geographical areas of use;

(7) Adverse effects on humans, livestock, fish and wildlife, and other living components of the environment, resulting from acute, short-term, or long-term exposure to these pesticides;

(8) Adverse effects on crops or other beneficial plants;

(9) Chemical and toxicological data on the extent, persistency and significance of environmental contamination resulting from any pattern of use;

(10) The fate of these products when metabolized by soil, animals, or human

beings, and their chemical capacity for producing breakdown products during manufacture or application.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in triplicate with the Deputy Assistant Administrator for Pesticides Programs, Environmental Protection Agency, Washington, D.C. 20460, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. Please make reference in any submission to "F.R. Benzene Hexachloride, Lindane, and Endrin Notice."

Dated: March 24, 1972.

WILLIAM M. UPHOLT,  
Deputy Assistant Administrator  
for Pesticides Programs.

[FR Doc.72-4910 Filed 3-30-72;8:49 am]

## TARIFF COMMISSION

[AA1921-93]

### CADMIUM FROM JAPAN

#### Notice of Investigation and Hearing

Having received advice from the Treasury Department on March 23, 1972, that cadmium from Japan is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

**Hearing.** A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on May 16, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: March 27, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.72-4946 Filed 3-30-72;8:49 am]

[TEA-P-38]

### G & H DECOY MANUFACTURING CO.

#### Notice of Investigation Regarding Petition for Determination

**Investigation instituted.** Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed on behalf of G & H Decoy Manufacturing Co., Henryetta, Okla., the U.S. Tariff Commission, on March 27, 1972, instituted an investi-

gation under section 301(c)(1) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with plastic duck decoys (of the types provided for in item 735.20 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

**Inspection of petition.** The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 27, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.72-4947 Filed 3-30-72;8:49 am]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

MARCH 28, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 42385—*Iron and steel articles to Clinton, Miss.* Filed by Illinois Freight Association, agent (No. 375), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Chicago, South Chicago, and Joliet, Ill., also Gary and Indiana Harbor, Ind., to Clinton, Miss. Grounds for relief—Rate relationship. Tariff—Supplement 82 to Illinois Freight Association, agent, tariff ICC 1159. Rates are published to become effective on April 20, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-4987 Filed 3-30-72;8:52 am]

[Notice 45]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 27, 1972.

The following are notices of filing of applications for temporary authority

under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 404 TA), filed March 16, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: Douglas Paris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Friedman Industries, Inc., located at or near Lone Star, Tex., to points in North Carolina and Wisconsin, for 180 days. Supporting shippers: Varco-Pruden, Division of Dombrico, Inc., Post Office Box 2858, Winston-Salem, NC 27102; Friedman Industries, Inc., Post Office Box 2192, Longview, TX 75601. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 2368 (Sub-No. 33 TA), filed March 16, 1972. Applicant: BRALLEY-WILLET TANK LINES, INC., Post Office Box 495, 2212 Deep Water Terminal Road, Richmond, VA 23204. Applicant's representative: Ward Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuming nitric acid and nitric acid propellant*, from Buffalo, N.Y., to Vandenberg Air Force Base, Calif., and Cape Kennedy, Fla., for 180 days. Supporting shipper: Department of the Army, Washington, D.C. 20310. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10 502 Federal Building, Richmond, VA 23240.

No. MC 31600 (Sub-No. 656 TA), filed March 13, 1972. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: David McAllister (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Silica*, in bulk, in tank vehicles, from Alloy and Graham, W. Va., and Marietta, Ohio, to North Haven, Conn., for 150 days. Supporting shipper: The Upjohn Co., North Haven, Conn. 06473. Send protests to: James F. Martin, Jr., Assistant Regional Director, Bureau of Operations, Interstate Commerce Commission, Boston, Mass. 02203.

No. MC 124070 (Sub-No. 27 TA), filed March 17, 1972. Applicant: CHEMICAL HAULERS, INC., Post Office Box 2038, 5723 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, from Lima, Ohio, to points in Illinois, Indiana, Michigan, and Ohio, for 180 days. Supporting shipper: Occidental Chemical Co., 4671 Southwest Freeway, Post Office Box 1185, Houston, TX 77001. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 124212 (Sub-No. 59 TA), filed March 16, 1972. Applicant: MITCHELL TRANSPORT, INC., 2111 Chagrin Boulevard, Post Office Box 22183, Cleveland, OH 44122. Applicant's representative: J. A. Krudtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsites of Lehigh Portland Cement Co. at Spokane, and Metaline Falls, Wash., to points in Morrow County, Oreg., for 180 days. Supporting shipper: Lehigh Portland Cement Co., 718 Hamilton Street, Allentown, PA 18105. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 124333 (Sub-No. 18 TA), filed March 16, 1972. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Philadelphia, Pa., to Dover, Del., for account of the city of Dover, Del., for 180 days. Supporting shipper: City of Dover, Post Office Box 475, Dover, DE 19901. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 124489 (Sub-No. 6 TA), filed March 13, 1972. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Building materials* (except commodities in bulk), from the plantsite of the Logan-Long Co. at Chicago, Ill., to Hobart, Ind., for 180 days. Supporting shippers: The Logan-Long Co., Joseph Rumore, traffic manager, 6600 South Central Avenue, Chicago, IL 60638; Gary-Hobart, Roofing & Supply, Inc., 2520 West 37th Street, Hobart, IN. Send protests to: District Supervisor Chandler, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 136329 (Sub-No. 1 TA), filed March 15, 1972. Applicant: JOHN W. CAIN, doing business as CAIN TRUCK LINES, Post Office Box 3385, El Paso, TX 79923. Applicant's representative: John W. Cain (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in truckload lots, (1) from Los Angeles, Calif., to points in New Mexico; and (2) from points in California to El Paso, Tex., for 180 days. Supporting shippers: Herman B. Golden, president, Valley Foods Co., 216 South Florence, El Paso, TX 79901; Sidney C. Renfro, distribution manager, Kern Foods, Inc., 13000 Temple Avenue, Los Angeles, CA 91647. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 136506 TA, filed March 13, 1972. Applicant: CHARLES F. BRAUN, 4175 Whitmore Lake Road, Ann Arbor, MI 48105. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in tank vehicles, in bulk, from the plantsite and storage facilities of Olin Corp. at or near Joliet, Ill., to points in Indiana and points in the Lower Peninsula of Michigan, under a continuing contract with Olin Corp. of Little Rock, Ark., for 180 days. Supporting shipper: Olin Corp., Post Office Box 991, Little Rock, AR 72203. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 110 Brockerick Tower, 10 Witherell, Detroit, MI 48226.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-4986 Filed 3-30-72; 8:52 am]

[Notice 37]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 28, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. 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.

No. MC-FC-73374. By order of March 23, 1972, the Motor Carrier Board approved the transfer to Leland Jay Tinklenberg, doing business as Tinklenberg Transfer, Rural Route 2, Leota, Minn. 56153, of the operating rights in certificate No. MC-59032 issued May 4, 1949, to Cornie Ruitter, Leota, Minn. 56153, authorizing the transportation of various commodities between specified points in Minnesota, South Dakota, and Iowa.

No. MC-FC-73527. By order of March 23, 1972, the Motor Carrier Board approved the transfer to Noah King, Jr., Royalton, Ill., of certificate No. MC-116107 issued September 18, 1957, to Thomas Young, Royalton, Ill., authorizing the transportation of: Rock dust, limestone, crushed rock and coal, between Ste. Genevieve, Mo., and points in Franklin County, Ill. Ernest A. Brooks II, attorney, 1310 Ambassador Building, St. Louis, Mo. 63101.

No. MC-FC-73561. By order of March 23, 1972, the Motor Carrier Board approved the transfer to Paul Musselwhite Trucking Co., a corporation, Levelland, Tex., of certificates Nos. MC-85557 (Sub-No. 1) and MC-85557 (Sub-No. 2), issued June 21, 1963 and July 27, 1967, to Paul Musselwhite, Levelland, Tex., authorizing the transportation of: Machinery, equipment, and supplies, and Earth moving equipment, machinery, equipment, materials, supplies, used in stringing and picking up of pipe, and production, etc., of natural gas and petroleum, and wells and holes drilled, and the commodities derived, between points in Texas and New Mexico. Alvin R. Allison, attorney, 719 Houston Street, Levelland, TX 79336.

No. MC-FC-73562. By order of March 23, 1972, the Motor Carrier Board approved the transfer to Betty Baran, doing business as Betty Baran's Tours, Hazleton, Pa., of Broker License No. MC-12556 (Sub No. 1), issued March 18, 1968, to John P. Rodgers, doing business as Rodgers Tours, Hazleton, Pa., authorizing the holder to engage in operations as a broker in arranging for the transportation of Passengers and their baggage, in round trip tours, beginning and ending at Hazleton, Pa., and points within 15 miles thereof, and extending to points in the United States, except Hawaii and Alaska. James S. Palmero, attorney, 700 Northeastern Building, Hazleton, Pa. 18201.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-4985 Filed 3-30-72; 8:52 am]

**DEPARTMENT OF LABOR**

**Employment Standards Administration**

**MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION**

**Modification and/or Supersedeas Decisions to Area Wage Determination Decisions for Specified Localities**

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Michigan, New York, Oklahoma, Oregon, Tennessee, and Texas.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1722, AM-1723, AM-1725, AM-1726, AM-1727, AM-1728, AM-1729, AM-1730, AM-1731, AM-1733, AM-1734, AM-1736	Aug. 11, 1971
AM-337, AM-342, AM-351, Am-354	Aug. 13, 1971
AM-380, AM-388, AM-389, AM-390	Aug. 18, 1971
AM-442, AM-443, AM-499, AM-500, AM-501	Aug. 20, 1971
AM-3555 (11,407), AM-3573, AM-3601, AM-3602, AM-3621, AM-3622, AM-3623, AM-3624, AM-3625, AM-3628 (11,410)	Aug. 25, 1971
AM-6703	Aug. 27, 1971

Decision No.	Date
AM-7489 (11,408)	Nov. 12, 1971
AM-7716 (11,409), AM-7717, AM-7718	Nov. 19, 1971

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modifications and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the

provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. No. 553 is set forth in the document being modified.

The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 24th day of March 1972.

**HORACE E. MENASCO,**  
Administrator, Employment Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-442-86 F.R. 10349, Jefferson County, Ala., Modification No. 6</i>						
CHANGE: Cementmasons	\$6.21					
Glaziers	6.00	.20	.20		\$0.01	
Lather	6.30		.10		.01	
Plasterers	6.35					
<i>WD No. AM-443-86 F.R. 10352, Mobile County, Ala., Modification No. 4</i>						
CHANGE: Electricians	7.90	.20	1%	\$0.125	.036%	
Line construction:						
Linemen	7.90	.20	1%	.125	.036%	
Cable splicers	8.15	.20	1%	.125	.036%	
<i>WD No. AM-3,673-86 F.R. 10733, Pulaski County, Ark., Modification No. 6</i>						
CHANGE: Power equipment operators:						
Group I	6.65	.25		\$0.25		
Group II	5.95	.25		.25		
Group III	5.65	.25		.25		
Group IV	4.90	.25		.25		
Group V	4.60	.25		.25		
Group VI	4.25	.25		.25		
<i>WD No. AM-537-86 F.R. 15194, St. Clair County, Ill., Modification No. 6</i>						
CHANGE: Line construction:						
Linemen	7.98	3 1/2%	1%		.25%	
Groundmen equipment operators	6.92	3 1/2%	1%		.25%	
Groundmen truckdrivers, with winch	5.63	3 1/2%	1%		.25%	
Groundmen truckdrivers, without winch	5.63	3 1/2%	1%		.25%	
Pickups or jeeps	5.25	3 1/2%	1%		.25%	
Groundmen	5.21	3 1/2%	1%		.25%	
<i>WD No. AM-343-86 F.R. 15218, Winnebago County, Ill., Modification No. 10</i>						
CHANGE: Steamfitters and plumbers	7.25	\$0.35	\$0.40		\$0.02	
<i>WD No. AM-561-86 F.R. 15277, Allen County, Ind., Modification No. 8</i>						
OMIT: Roofers' helpers	3.93	.10				
<i>WD No. AM-564-86 F.R. 15283, Dearborn County, Ind. Modification No. 6</i>						
CHANGE: Sheet metal workers	8.005	.40	.70		.02	

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-3,621—36 F.R. 16839, Douglas, Jefferson and Shawnee Counties, Kans., Modification No. 5</i>						
<b>CHANGE:</b>						
Electricians.....	8.00	.25	1%+.30		2/10%	
<i>WD No. AM-3,622—36 F.R. 16843, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kans., Modification No. 6</i>						
<b>CHANGE:</b>						
Cementmasons.....	8.905	.20	\$0.45	.50	\$0.05	
Electricians:						
Miami County.....	8.00	.25	1%+.30		2/10%	
Johnson County: Remainder of county.....	8.00	.25	1%+.30		2/10%	
Leavenworth County: Remainder of county.....	8.00	.25	1%+.30		2/10%	
Johnson and Wyandotte Counties: Laborers: First semiskill.....	6.90	.40	\$0.40	.50	\$0.10	
Line construction:						
Western three-fourths of Johnson County, southwest two-thirds of Leavenworth County, and Miami County:						
Lineman.....	6.40	.25	1%		1/2%	
Cable splicers.....	6.72	.25	1%		1/2%	
Groundman, over 1 year.....	4.04	.25	1%		1/2%	
Groundman, 1st year.....	3.19	.25	1%		1/2%	
Powderman.....	5.35	.25	1%		1/2%	
Line truck and equipment operator:						
1st year.....	4.14	.25	1%		1/2%	
2d year.....	4.92	.25	1%		1/2%	
Over 2 years' experience.....	5.35	.25	1%		1/2%	
Wyandotte County and remainder of Johnson and Leavenworth Counties:						
Lineman.....	7.10	.10	1%+.15		1/2%	
Lineman operator.....	6.70	.10	1%+.15		1/2%	
Lineman mechanic.....	5.69	.10	1%+.15		1/2%	
Groundman jackhammer operator.....	4.625	.10	1%+.15		1/2%	
Groundman driver.....	4.625	.10	1%+.15		1/2%	
Groundman powderman.....	4.88	.10	1%+.15		1/2%	
Groundman.....	4.625	.10	1%+.15		1/2%	
Groundman (1st year).....	4.28	.10	1%+.15		1/2%	
<i>WD No. AM-3,623—36 F.R. 19283, Shawnee County, Kans., Modification No. 8</i>						
<b>CHANGE (building construction):</b>						
Boilermakers.....	7.80	.30	\$0.85		\$0.02	
Boilermakers' helpers.....	7.55	.30	.85		.02	
Elevator constructors' helpers.....	70%JR	.195	.20	2%+a+b		
Footnotes:						
a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4% of basic hourly rate						
b. Paid holidays: A through F.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
<i>WD No. AM-3,624—36 F.R. 16853, Leavenworth County, Kans., Modification No. 8</i>						
<b>CHANGE (building construction):</b>						
Boilermakers.....	\$7.80	.30	.85		.02	
Boilermakers' helpers.....	7.55	.30	.85		.02	
Leavenworth County, except Delaware, Kickapoo, High Prairie, and Leavenworth Townships:						
Electricians.....	8.00	.25	1%+.30		2/10%	
Cable splicers.....	8.80	.25	1%+.30		2/10%	
Glaziers.....	7.41	.35	\$0.20	7%+a	\$0.01	
Ironworkers:						
Structural; ornamental.....	8.50	.25	.25	\$0.25	.05	
Reinforcing.....	8.50	.25	.25	.25	.05	
Cement masons (heavy and highway).....	8.905	.20	.45	.50	.05	
Line construction (except two-thirds of county):						
Lineman.....	7.10	.10	1%+.15		1/2%	
Lineman operator.....	6.70	.10	1%+.15		1/2%	
Lineman mechanic.....	5.69	.10	1%+.15		1/2%	
Groundman jackhammer operator.....	4.625	.10	1%+.15		1/2%	
Groundman driver.....	4.625	.10	1%+.15		1/2%	
Groundman powderman.....	4.88	.10	1%+.15		1/2%	
Groundman.....	4.625	.10	1%+.15		1/2%	
Groundman (1st year).....	4.28	.10	1%+.15		1/2%	
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. A through F and Friday after Thanksgiving Day.						
<i>WD No. AM-3,625—35 F.R. 10859, Sedgewick County, Kans., Modification No. 4</i>						
<b>CHANGE (building construction):</b>						
Boilermakers.....	7.80	.30	\$0.85		\$0.02	
Boilermakers' helpers.....	7.55	.30	.85		.02	
Elevator constructors' helpers.....	70%JR	.195	.20	2%+a+b		
Ironworkers.....	\$7.38	.20	.25	\$0.25	.02	
Laborers:						
Common laborers.....	5.65	.45	.25			
Machine tool operators (air or electric); all sewer and drain in tile layers; mortar mixers and hod carriers and plaster tenders all men erecting scaffolds and directly tending masons and plasterers; men mixing dryer and mortar mixers for cement finishers; pipe dopers and pipe painters; work on swing scaffold; power buggies taking place of wheel barrows and concrete buggies; powderman; Gunite nozzleman; Gunite mixerman; Gunite rodman; core driller wagon drill—diamond; air track drill; sandblaster, nozzleman and/or potman.....	5.65	.45	.25			
Painters:						
Brush; sandblasting.....	5.75		.10			
Stage work, chair and window jack work, up to and including 5 stories high.....	6.00		.10			
Stage work and window jack work over 5 stories high.....	6.25		.10			
Spray operators scale \$0.50 per hour premium pay above the classification rate.....						
Elevated tanks, towers, and tanks over 75 ft. high, brush.....	6.25		.10			
Structural steel when done from picks, stage, chairs, or platforms, over 24 ft. high.....	6.25		.10			
Structural steel when not done from scaffolding.....	6.50		.10			
Creosote, tar, and bit, coatings \$0.25 per hour above regular scale.....	6.90					
Plasterers.....	6.90					
<i>WD No. AM-7,718—36 F.R. 22101, Shawnee County, Kans., Modification No. 4</i>						
<b>CHANGE (building construction):</b>						
Boilermakers.....	7.80	.30	.85		.02	
Boilermakers' helpers.....	7.55	.30	.85		.02	

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-880-86 F.R. 15808, Genesee County, Mich., Modification No. 7</i>						
CHANGE:						
Terrazzo workers	6.40	.35	.45			
Tile setters	6.40	.35	.45			
<i>WD No. AM-988-86 F.R. 15886, Marquette County, Mich., Modification No. 7</i>						
CHANGE:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-889-86 F.R. 15850, Mason County, Mich., Modification No. 7</i>						
CHANGE:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee worked 45 full days during the 120 days prior to the holiday and the regular scheduled workdays immediately preceding and following the holidays.						
<i>WD No. AM-890-86 F.R. 15855, Muskegon and Oceana Counties, Mich., Modification No. 7</i>						
CHANGE:						
Boilermakers	7.98	.50	1.00	1.00	.01	
Lead burners	6.90	.30		a	.01	
Footnote: a. 9 paid holidays, providing employee has worked 45 full days during the 120 days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-1722-86 F.R. 14912, Albany County, N.Y., Modification No. 4</i>						
CHANGE:						
Building construction:						
Ironworkers, structural, ornamental, and reinforcing	7.40	.34	.85		.02	
Lead burners	6.90	.30		c	.01	
Line construction:						
Linemen, cable splicer helper and material man	8.60	.35	1%+.25	d	1 1/4%	
Cable splicer	9.35	.35	1%+.25	d	1 1/4%	
Groundman	7.50	.35	1%+.25	d	1 1/4%	
Groundman, digging machine operator	8.45	.35	1%+.25	d	1 1/4%	
Groundman, mobile equipment operator	8.00	.35	1%+.25	d	1 1/4%	
Groundman, truckdriver and mechanic	7.65	.35	1%+.25	d	1 1/4%	
Groundman, dynamite man	8.00	.35	1%+.25	d	1 1/4%	
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-1723-86 F.R. 14917, Broome County, N.Y., Modification No. 4</i>						
CHANGE:						
Building construction:						
Elevator constructors	7.70	.195	\$0.20 1 1/2%+a+b		\$0.005	
Elevator constructors helpers	5.39	.195	.20 1 1/2%+a+b		.005	
Elevator constructors helpers (prob.)	3.85					
Leadburners	6.90	.30		c	.01	
Linemen:						
Linemen cable splicer helper and material man	8.60	.35	1%+.25	d	1 1/4%	
Groundman	7.50	.35	1%+.25	d	1 1/4%	
Groundman digging machine operator	8.45	.35	1%+.25	d	1 1/4%	
Groundman mobile equipment operator	8.00	.35	1%+.25	d	1 1/4%	
Groundman truckdriver and mechanic	7.65	.35	1%+.25	d	1 1/4%	
Groundman dynamite man	8.00	.35	1%+.25	d	1 1/4%	
Cable splicer	9.35	.35	1%+.25	d	1 1/4%	
Sheet metal workers	7.87	5%	\$0.50			
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-1725-86 F.R. 14928, Erie County, N.Y., Modification No. 4</i>						
CHANGE:						
Building construction:						
Lead burners	6.90	\$0.30		c	\$0.01	
Line construction:						
Lineman, cable splicers helpers, and material man	8.60	.35	1%+.25	d	1 1/4%	
Groundman	7.50	.35	1%+.25	d	1 1/4%	
Groundman digging machine operator	8.45	.35	1%+.25	d	1 1/4%	
Groundman mobile equipment operator	8.00	.35	1%+.25	d	1 1/4%	
Groundman truckdriver and mechanic	7.65	.35	1%+.25	d	1 1/4%	
Groundman dynamite man	8.00	.35	1%+.25	d	1 1/4%	
Cable splicer	9.35	.35	1%+.25	d	1 1/4%	
Painters:						
Remainder of county:						
Painters, brush	6.675	.525+.45	\$0.30		\$0.10	
Steel tanks, towers, stacks, flag poles, radio and TV towers	7.175	.525+.45	.30		.10	
Sandblasting, swing stage, spray booth chair	6.925	.525+.45	.30		.10	
Bridges 35 ft. high or in depth of 35 ft. from road level	8.10	.525+.45	.30		.10	
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-1726-86 F.R. 14932, Jefferson County, N.Y., Modification No. 4</i>						
CHANGE:						
Building construction:						
Bricklayers, cementmasons, marblemasons, plasterers, stonemasons, terrazzo workers and tile setters	7.70	.20	.40	a	.02	
Laborers (building):						
Laborers	5.49	.30	.30	e		
Chain saw operator, jackhammer operator, scaffold builders, mortar mixers, pipe layers, gas buggy operator, wagon drill and wagon jack operators, vibrator operators, and all air or electric tools (electric tools used in place of air tools) used by laborers, hod carriers (for plasterers only)	5.69	.30	.30	e		
Sandblasters on construction clean up where laborers are ordinarily employed, pot liners and acetylene torch operator, on demolition work only	5.89	.30	.30	e		
Blasters	6.09	.30	.30	e		
Lead burners	6.90	.30		b	.01	

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>CHANGE—Continued</b>						
<b>Building construction—Continued</b>						
Line construction:						
Linemen, cable splicers helper and material man.....	8.60	.35	1%+.25	e	1 1/4%	
Groundman.....	7.50	.35	1%+.25	e	1 1/4%	
Groundman digging machine operator.....	8.45	.35	1%+.25	e	1 1/4%	
Groundman mobile equipment operator.....	8.00	.35	1%+.25	e	1 1/4%	
Groundman truckdriver and mechanic.....	7.65	.35	1%+.25	e	1 1/4%	
Groundman dynamite man.....	8.00	.35	1%+.25	e	1 1/4%	
Cable splicer.....	9.35	.35	1%+.25	e	1 1/4%	
Footnote: a. Holidays: B, C, and D (provided employee has been on the payroll 5 days prior to the holiday and he reports to work the day following the holiday).						
Footnote: b. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
WD No. AM-1727-36 F.R. 14988, Monroe County, N.Y., Modification No. 4						
<b>CHANGE:</b>						
Building construction:						
Asbestos workers.....	9.13	.45	\$0.15		\$0.02	
Carpenters, building.....	8.51	.60	.30		.005	
Glaziers.....	7.87	.58	.30		.02	
Lead burners.....	6.90	.30		e	.01	
Line construction:						
Lineman cable splicer helper and material man.....	8.60	.35	1%+.25	d	1 1/4%	
Groundman.....	7.50	.35	1%+.25	d	1 1/4%	
Groundman digging machine operator.....	8.45	.35	1%+.25	d	1 1/4%	
Groundman mobile equipment operator.....	8.00	.35	1%+.25	d	1 1/4%	
Groundman truckdriver and mechanic.....	7.65	.35	1%+.25	d	1 1/4%	
Groundman dynamite man.....	8.00	.35	1%+.25	d	1 1/4%	
Cable splicer.....	9.35	.35	1%+.25	d	1 1/4%	
Painters:						
Brush and roller.....	7.76	.35	\$0.52		\$0.04	
Swing scaffold.....	8.26	.35	.52		.04	
Structural steel:						
Up to 40 ft.....	8.26	.35	.52		.04	
Over 40 ft.....	8.96	.35	.52		.04	
Spray.....	8.26	.35	.52		.04	
Piledrivermen and millwrights (building).....	8.81	.60	.30	h		
Plumbers and steamfitters.....	9.07	e	g		.06	
Sheet metal workers.....	8.58	.40	.30		.025	
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays preceding and following the holiday.						
WD No. AM-1728-36 F.R. 14945, Nassau County, N.Y., Modification No. 5						
<b>CHANGE:</b>						
Building construction: Lead burners.....						
6.90	.30			e	.01	
Footnote: e. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-1729-36 F.R. 14950, Niagara County, N.Y. Modification No. 4						
<b>CHANGE:</b>						
Building construction:						
Lead burners.....	6.90	.30		e	.01	
Linemen:						
Linemen, cable splicer helper and material man.....	8.60	.35	1%+.25	d	1 1/4%	
Groundman.....	7.50	.35	1%+.25	d	1 1/4%	
Groundman digging machine operator.....	8.45	.35	1%+.25	d	1 1/4%	
Groundman mobile equipment operator.....	8.00	.35	1%+.25	d	1 1/4%	
Groundman truckdriver and mechanic.....	7.65	.35	1%+.25	d	1 1/4%	
Groundman dynamite man.....	8.00	.35	1%+.25	d	1 1/4%	
Cable splicer.....	9.35	.35	1%+.25	d	1 1/4%	
Painters:						
Towships of Somerset, Hartland, Royalton, Newfane, Lockport, Pendleton, and the eastern half of Cambria and Wilson:						
Brush.....	6.675	.975	\$0.30		\$0.10	
Steel, tanks, towers, stacks, flag poles, radio and TV towers.....	7.175	.975	.30		.10	
Sandblasting, swing stage, spray, bosun chair.....	6.925	.975	.30		.10	
Bridges 35 ft high or in depth of 35 ft from road level.....	8.10	.975	.30		.10	
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
WD No. AM-1730-36 F.R. 14955, Oneida County, N.Y., Modification No. 5						
<b>CHANGE:</b>						
Building construction:						
Lead burners.....	6.90	.30		e	.01	
Linemen:						
Linemen, cable splicer helper and material man.....	8.60	.35	1%+.25	d	1 1/4%	
Groundman.....	7.50	.35	1%+.25	d	1 1/4%	
Groundman digging machine operator.....	8.15	.35	1%+.25	d	1 1/4%	
Groundman mobile equipment operator.....	8.00	.35	1%+.25	d	1 1/4%	
Groundman truckdriver and mechanic.....	7.65	.35	1%+.25	d	1 1/4%	
Groundman dynamite man.....	8.00	.35	1%+.25	d	1 1/4%	
Cable splicers.....	9.35	.35	1%+.25	d	1 1/4%	
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1731—36 F.R. 1490, Onondaga County, N.Y., Modification No. 5</i>						
<b>CHANGE:</b>						
Building construction:						
Lead burners	6.90	.30		c	\$0.01	
Linemen:						
Linemen, cable splicer helper and material man	8.60	.85	1%+.25	d	1 1/4%	
Groundman	7.50	.35	1%+.25	d	1 1/4%	
Groundman digging machine operator	8.45	.35	1%+.25	d	1 1/4%	
Groundman mobile equipment operator	8.00	.35	1%+.25	d	1 1/4%	
Groundman truckdriver and mechanic	7.65	.35	1%+.25	d	1 1/4%	
Groundman dynamite man	8.00	.35	1%+.25	d	1 1/4%	
Cable splicer	9.35	.35	1%+.25	d	1 1/4%	
Painters:						
Brush	7.45	.30	\$0.35			
Structural steel	7.45	.30	.35			
Spray	7.45	.30	.35			
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-1733—36 F.R. 1492, Rensselaer County, N.Y., Modification No. 4</i>						
<b>CHANGE:</b>						
Building construction:						
Ironworkers, structural, ornamental and reinforcing	7.40	.34	.85		\$0.02	
Lead burners	6.90	.30		d	.01	
Linemen:						
Linemen, cable splicer helper and material man	8.60	.35	1%+.25	e	1 1/4%	
Groundman	7.50	.35	1%+.25	e	1 1/4%	
Groundman digging machine operator	8.45	.35	1%+.25	e	1 1/4%	
Groundman mobile equipment operator	8.00	.35	1%+.25	e	1 1/4%	
Groundman truckdriver and mechanic	7.65	.35	1%+.25	e	1 1/4%	
Groundman dynamite man	8.00	.35	1%+.25	e	1 1/4%	
Cable splicer	9.35	.35	1%+.25	e	1 1/4%	
Footnote: d. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-1734—36 F.R. 1496, Schenectady County, N.Y., Modification No. 4</i>						
<b>CHANGE:</b>						
Building construction:						
Ironworkers, structural, ornamental, and reinforcing	7.40	.34	\$0.85		\$0.02	
Lead burners	6.90	.30		d	.01	
Line construction:						
Linemen, cable splicer helpers and material man	8.60	.35	1%+.25	e	1 1/4%	
Cable splicer	9.35	.35	1%+.25	e	1 1/4%	
Groundman	7.50	.35	1%+.25	e	1 1/4%	
Groundman digging machine operator	8.45	.35	1%+.25	e	1 1/4%	
Groundman mobile equipment operator	8.00	.35	1%+.25	e	1 1/4%	
Groundman truckdriver and mechanic	7.65	.35	1%+.25	e	1 1/4%	
Ground dynamite man	8.00	.35	1%+.25	e	1 1/4%	
Footnote: d. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-1736—36 F.R. 1498, Westchester County, N.Y., Modification No. 4</i>						
<b>CHANGE:</b>						
Lead burners	6.90	.30		c	\$0.01	
Footnote: c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-3,601—36 F.R. 16755, Oklahoma County, Okla., Modification No. 4</i>						
<b>CHANGE:</b>						
Glaziers	5.82					
<i>WD No. AM-3,602—36 F.R. 16768, Tulsa County, Okla., Modification No. 7</i>						
<b>CHANGE:</b>						
Soft floor layers	5.12		\$0.15	.18	.03	
Cementmasons:						
Cementmason	6.42				.03	
Power tool operator	6.67				.03	
<i>WD No. AM-6,703—37 F.R. 369, Statewide Oregon, Modification No. 1</i>						
<b>CHANGE:</b>						
Asbestos workers	7.85	.35	.60		.06	
Bricklayers; stonemasons: Clackamas; Clatsop; Columbia; Gilliam; Hood River; north half of Lincoln; Marion; Multnomah; Morrow; Polk; Sherman; Tillamook; Wasco (north of the city of Maupin); Washington; Yamhill Counties	7.40	.35	.35		.02	
Drywall tapers	6.10	.32	.15	.50	.015	
Ironworkers: Reinforcing; fence erectors; ornamental; riggers; signalmen; structural	7.13	.43	.40	.25	.03	
Painters:						
Brush	6.55	.30	.20		.015	
Spray	6.80	.30	.20		.015	
High work over 100 ft.	7.05	.30	.20		.015	
High towers, ground to 100 ft.	6.70	.30	.20		.015	
High towers, ground to 300 ft.	7.05	.30	.20		.015	
High towers, ground to over 300 ft.	7.55	.30	.20		.015	
Plumbers; steamfitters: Clackamas; Clatsop; Columbia; Gilliam; Hood River; Jefferson; Multnomah; Sherman; north half of Tillamook; Wasco; Wheeler; Washington; and north half of Yamhill Counties	7.06	.50	.56		.07	

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-390—36 F.R. 16476, Roane and Anderson Counties, Tenn., Modification No. 4</i>						
<b>CHANGE:</b>						
Asbestos workers	7.10	.25	.15		.03	
Bricklayers and stonemasons	7.07				.02	
Carpenters and soft floor layers	6.05				.02	
Cementmasons	5.40				.02	
Ironworkers:						
Structural and ornamental	6.17	.125	.10		.02	
Reinforcing	6.07	.125	.10		.02	
Fence erector	6.17	.125	.10		.02	
Lathers	6.45		.20		.01	
Lead burners	6.90	.30		c	.01	
Footnote: c. Holidays: A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday; and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-500—36 F.R. 16478, Davidson County, Tenn., Modification No. 5</i>						
<b>CHANGE:</b>						
Asbestos workers	7.50	.25	.15			
Bricklayers	6.15					
Carpenters	6.50	.15	.10		.01	
Glaziers	5.75	.30	.20		.02	
Lead burners	6.90	.30		c	.01	
Millwrights	6.65	.15	.10		.01	
Piledrivermen	6.65	.15	.10		.01	
Soft floor layers	6.50	.15	.10		.01	
Stonemasons	6.15					
Footnote: c. Holidays: A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday; and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-601—36 F.R. 16482, Hamilton County, Tenn., Modification No. 3</i>						
<b>CHANGE:</b>						
Asbestos workers	7.10	.25	.15		.03	
Electricians	6.85	.25	1%		1/2 of 1%	
Linemen	6.85	.25	1%		1/2 of 1%	
Cable splicers	7.10	.25	1%		1/2 of 1%	
Lead burners	6.90	.30		c	\$0.01	
Painters:						
Commercial	5.45		\$0.15			
Industrial	5.70		.15			
Sandblasting	5.95		.15			
Plumbers	7.50	.20	.20		.05	
Steamfitters	7.50	.20	.20		.05	
Footnote: c. Holidays: A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday; and the regular scheduled workdays immediately preceding and following the holiday.						
<i>WD No. AM-7,717—36 F.R. 22124, Jefferson and Orange Counties, Tex., Modification No. 6</i>						
<b>CHANGE:</b>						
Bricklayers; stonemasons: Remainder of Jefferson County and all of Orange County	7.255	.275	.30		.04	
Plasterers	6.525	.27	.30		.02	
Line construction:						
Linemen	7.625	.17	1%		1/2%	
Groundmen	73% J R	.17	1%		1/2%	

## SUPERSEDES DECISIONS

State: Louisiana; Parishes: St. Bernard, Plaquemines, Orleans and Jefferson.

Decision No. AM-11,410; date of decision: Mar. 31, 1972.

Supersedes Decision No. AM-3,628, dated Aug. 25, 1971, in 36 F.R. 16740.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>14-LA-1, 2x:</b>						
Asbestos workers	\$6.40	\$0.25	\$0.60			
Boilermakers	6.50	.30	.40		\$0.01	
Bricklayers; stonemasons; cement block layers; cleaners; painters; caulkers	6.65	.20	.15		.035	
Carpenters:						
Carpenters	6.22	.20	.20		.04	
Piledrivers	6.32	.20	.20		.04	
Millwrights	6.505	.20	.20		.04	
Cementmasons:						
Cementmasons	5.905	.25	.30		.04	
Machine operator; boatswain chair	6.155	.25	.30		.04	
Electricians: Electricians; cable splicers	7.425	.20	1%+.10		.015	
Elevator constructors	6.32	.195	\$0.20	2%+a+b		
Elevator constructors' helpers	70% J R	.195	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50% J R					
Glaziers	\$5.375	.17	.20			
Ironworkers: Structural; ornamental; sheeters; bucker-up; reinforcing	6.70	.15	.15		.02	
Laborers:						
Orleans, Jefferson (except Grande Isle), Plaquemines and St. Bernard Parishes:						
Laborers	4.46	.10	.10			
Stonemasons helper; mechanical tool operator (air, electric); sewerman	4.56	.10	.10			
Gunite tool operator	4.71	.10	.10			
Pipelayers nonmetallic	4.56	.10	.10			
Bricklayers and mason tenders	4.58	.10	.10			
Mortar mixer, hand or machine	4.68	.10	.10			
Grande Isle, Jefferson Parish:						
Laborers	4.055	.10	.10			
Sewermen; jackhammermen; mason tenders; plasterers tenders; stonemasons helpers; vibratormen	4.205	.10	.10			
Mortar mixers	4.255	.10	.10			
Lathers	5.43	.10	.15		.03	

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>14-LA-1, 2 x—Continued</b>						
Painters:						
Brush and paperhanger	5.125	.125				
Sandblaster	6.375	.125				
Structural steel swing stage; spray	5.50	.125				
Plasterers:						
Plasterers	5.90	.30	.10		.03	
Swinging scaffold	6.15	.30	.10		.03	
Plumbers; Plumbers; steamfitters; pipefitters; pipe welders; refrigeration mechanic	7.30	.30	.40		.06	
Roofers	5.65	.35	.45		.15	
Sheet metal workers	6.705	.20	.30	\$0.20	.04	
Soft floor layers	6.22	.20	.20		.04	
Sprinkler fitters	7.30	.25	.40		.05	
Marblemasons	6.65	.20	.15		.035	
Marblemasons' helpers	4.30					
Truckdrivers:						
Up to but not including 1½ tons	4.10					
1½ tons to 3 tons	4.55					
3 tons up to 5 tons	4.60					
5 tons and over including Euclids, winch, Dempsey dumpsters, lowboys, semitrailers and forklifts	4.80					
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						
Footnotes:						
a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4%; of basic hourly rate.						
b. Paid holidays: A through F.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
A-2-PEO-1 o:						
Power equipment operators:						
Heavy equipment operators: A-frame truck, when working with ironworkers and pipefitters; bulldozers, D-6 and larger; cableways; concrete mixers (over 16-s); paving machines; cranes, derricks, draglines and clam shells; deck winches (2); gradalls; HI-Ho, and similar type equipment; hoist, 1 drum, 4 stories and over; hoist, 2 drums or more; hydro cranes; mechanic; Motor patrols; pilerdrivers; rollers on brick and asphalt; rubber-tired front end loader, with or without blade attachments, 1 cu. yd. capacity or more; scrapers; shovels, backhoes (all types); side boom cats; stabilizers; 3 drums or more; Traxcavators; trenching machines; unit operator; welding journeyman; well point systems (gas, diesel, electric, etc.)	\$0.62	.10	.15			
Light equipment operators: A-frame truck, except when working with ironworkers or pipefitters; air compressor; asphalt plant engineers; asphalt finisher, screed men; blade graders; boat operator; bull floats; concrete joining machines; concrete mixers, 16-s and under; concrete spreader; crusher operator; deck winch operator (1); distributors, asphalt Ditch Witch and similar equipment; electric elevators (inside); finishing machine; firemen; form graders, forklifts; hoist, 1 drum, under 4 stories; power subgraders; pugmill operator; pull tractors; pump; pumperete; rollers except on brick and asphalt; rubber-tired front end loaders (with or without blade attachment) less than 1 cu. yd. capacity; scale operator; scoopmobile; snatch cats; spray machines; stabilizers, less than 3 drums; straddlebuggy; track machines and equivalent machines; tractors or bulldozers smaller than D-6	5.71	.10	.15			
Batch plant operator	5.32	.10	.15			
Mechanic helpers	5.32	.10	.15			
Oilers (driver)	5.32	.10	.15			
Oilers	5.04	.10	.15			
Master mechanic	7.12	.10	.15			
Assistant master mechanic	6.87	.10	.15			
1-Louisiana-LCa:						
Line construction:						
Linemen	7.425	.20	1% + .10		.015	
Operator hole digging equipment; operator, tractor with winch and derrick; operator line truck with winch and derrick working hot lines	5.655	.20	1% + .10		.015	
Operator using hole truck and trailer or pole hauling and setting truck (not in energized lines)	4.95	.20	1% + .10		.015	
Operator using truck without winch	3.535	.20	1% + .10		.015	
Groundmen (1½ years service or over)	3.885	.20	1% + .10		.015	
Groundmen (starting rate to 1½ years service)	3.535	.20	1% + .10		.015	

State: Texas; County: Bexar.  
 Decision No. AM-11,407; date of decision: Mar. 31, 1972.  
 Supercedes Decision No. AM-3,555, dated Aug. 25, 1971, in 36 F.R. 16773.  
 Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>16-Texas-1 M:</b>						
Building construction:						
Asbestos workers	\$6.41	\$0.20	\$0.10		\$0.02	
Boilermakers	6.50	.30	.40		.01	
Bricklayers	6.60	.20	.20		.05	
Carpenters	5.875	.21	.30		.015	
Cementmasons:						
Cementmasons	6.40					
Machine operators	6.65					
Electricians:						
Electricians	6.78	.20	1%		1/2%	
Cable splicers	7.03	.20	1%		1/2%	
Elevator constructors	6.06	.175	\$0.20	2% + a + b		
Elevator constructors' helpers	70% J R	.175	.20	2% + a + b		
Elevator constructors' helpers (prob.)	50% J R					
Glaziers	\$4.80	.20	.30			
Ironworkers: Structural; ornamental; reinforcing	6.00	.40	.30		\$0.15	
Laborers:						
Common laborers	3.72	.15	.10		.02	
Air tool operator (jackhammer, vibrator)	3.81	.15	.10		.02	
Bell hole man	3.83	.15	.10		.02	
Mason tenders	3.83	.15	.10		.02	
Mortar mixers	4.09	.15	.10		.02	
Plasterer's tenders	4.09	.15	.10		.02	
Pipelayers, concrete and clay (nonmetallic)	3.72	.15	.10		.02	
Lathers	6.125				.01	
Marblemasons	5.70	.20	.20			
Millwrights	6.175	.21	.30		.015	

## SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>16-Texas-1 M—Continued</b>						
<b>Building construction—Continued</b>						
<b>Painters:</b>						
Brush	4.80		.20			
Spray	5.05		.20			
Structural steel	5.05		.20			
Spray on structural steel; sandblaster	5.30		.20			
<b>Plasterers</b>						
Plasterers	6.625				.01	
Plumbers—pipefitters	6.77	.25	.30		.08	
<b>Roofers:</b>						
Roofers	4.50				.01	
Kettlemen	3.95				.01	
Waterproofers	4.20				.01	
Deckman	4.50				.01	
Helpers	1.75				.01	
Sheet metal workers	6.20	.15	.15			
Sprinkler fitters	7.60	.25	.40		.05	
Stonemasons	6.60	.20	.20		.05	
Terrazzo workers	5.70	.20	.20			
<b>Terrazzo workers helpers:</b>						
Terrazzo helpers	3.50					
Floor machine operators	3.70					
Base machine operators	3.85					
<b>Tile setters:</b>						
Tile setters	5.70	.20	.20			
Tile setters' helpers	3.50					
Truckdrivers	1.60					
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						
<b>Footnotes:</b>						
a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4% of basic hourly rate.						
b. Paid holidays: A through F.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;						
E—Thanksgiving Day; F—Christmas Day.						
<b>16-Texas-PEQ 1 D:</b>						
<b>Building construction:</b>						
<b>Power equipment operators:</b>						
All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clam shell operator; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 Caterpillar and similar tractors; elevating graders (self-propelled); Euclid; forklift used on construction; gasoline or diesel-driven welding machines (7 to 12); Gradall; heavy-duty mechanic; high lifts; hoist (2 drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumperete machine operator; rock crusher operator on job; scoopmobile; scrapers; shovel (power operated); turnapulls; trenching machines (all sizes); winch truck; all other equipment of similar nature, coming within the heavy equipment class, when power operated.						
Air compressor (any time there are 3 or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); 3 to 6 welding machines or any 3 pieces of equipment of equal or similar nature, coming within the light equipment class when power operated; roller (under 5 tons); truck crane drivers.	6.15	.30	.20			
Fireman	5.53	.30	.20			
Oiler	4.68	.30	.20			
	4.60	.30	.20			
<b>16-Texas-3 f:</b>						
<b>Incidental paving and utilities:</b>						
Air tool man	1.85					
Asphalt heaterman	2.50					
Asphalt raker	2.50					
Batching plant scaleman	2.75					
Carpenter	2.75					
Carpenter helper	2.50					
Concrete finisher (paving)	3.00					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	2.85					
Concrete finisher helper (structures)	2.40					
Concrete rubber	2.10					
Electrician	4.60					
Form builder (structures)	2.95					
Form builder helper (structures)	2.00					
Form setter (paving and curb)	3.00					
Form setter (structures)	2.95					
Form setter helper (structures)	2.50					
Laborer, common	1.60					
Laborer, utility man	2.00					
Manhole builder, brick	2.00					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Painter (structures)	4.25					
Painter helper (structures)	2.25					
Pipelayer	2.50					
Pipelayer helper	1.85					
Powderman	2.75					
Powderman helper	2.25					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	2.80					
Reinforcing steel setter helper	2.00					
Steel worker (structural)	3.60					
Spreader box man	2.30					
Swamper	2.00					
<b>Power equipment operators:</b>						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Bulldozer, 150 hp. and less	2.50					
Bulldozer, over 150 hp	3.25					
Concrete paving finishing machine	2.75					
Concrete paving saw	2.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	2.85					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					

## SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
16-Texas-3 f—Continued						
Incidental paving and utilities—Continued						
Power equipment operators—Continued						
Crusher or screening plant operator	2.50					
Foundation drill operator (crawler mounted)	4.90					
Foundation drill operator (truck mounted)	3.85					
Foundation drill operator helper	3.15					
Front end loader (2½ cu. yd. and less)	2.55					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.50					
Scrapers (over 17 cu. yd.)	2.75					
Tractor (crawler type) 150 hp. and less	2.20					
Tractor (crawler type) over 150 hp.	2.50					
Tractor (pneumatic) 80 hp. and less	2.05					
Tractor (pneumatic) over 80 hp.	2.50					
Trenching machine, light	2.55					
Wagon drill, boring machine or post hole driller operator	2.50					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.00					
Tandem axle or semitrailer	2.00					
Winch	2.15					
Welder	4.00					
1-Texas-LC b:						
Line construction:						
Lineman	6.615	.17	1%		1/2%	
Ground mechanics	5.33	.17	1%		1/2%	
Groundmen	4.51	.17	1%		1/2%	
Groundmen, 1st 6 mo.	3.36	.17	1%		1/2%	

State: Texas; County: Harris.

Decision No. AM-11,408; date of decision: Mar. 31, 1972.

Supersedes Decision No. AM-7,489, dated Nov. 12, 1971, in 36 F.R. 21737.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
14-Texas-1 x:						
Building construction:						
Asbestos workers	\$6.32	\$0.275	\$0.30			
Boilermakers	6.50	.30	.40		\$0.01	
Bricklayers	6.90	.175	.30		.03	
Carpenters:						
Carpenters	5.35	.40	.22		.05	
Millwrights	6.52	.48	.22		.05	
Piledrivermen	6.00	.40	.22			
Cementmasons	6.00	.30	.35		.02	
Electricians	6.66	.25	1%+.15	\$0.225	.01	
Elevator constructors	6.60	.195	\$0.20	2%+a+b		
Elevator constructors' helpers	70% J R	.195	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50% J R					
Glaziers	\$5.80	.125	.10		.01	
Ironworkers: Structural; ornamental; reinforcing	6.675	.25	.40		.03	
Laborers:						
Common	4.55	.18	.10		.02	
Air tool operator (jackhammer—vibrator)	4.725	.18	.10		.02	
Mason tenders	4.725	.18	.10		.02	
Pipelayers (concrete and clay)	4.725	.18	.10		.02	
Sandblasters	4.725	.18	.10		.02	
Power buggy operator	4.725	.18	.10		.02	
Lather tender	4.825	.18	.10		.02	
Mortar mixers	4.825	.18	.10		.02	
Well driller	5.10	.18	.10		.02	
Well driller helpers	4.675	.18	.10		.02	
Blaster, powderman	4.975	.18	.10		.02	
Plaster tender and hod carrier	4.825	.18	.10		.02	
Lathers	6.75	.20	.15		.02	
Painters:						
Brush	5.91	.275	.30	\$0.20	.03	
Roller, steam cleaning, pneumatic tools	5.91	.275	.30	.20	.03	
Spray	6.285	.275	.30	.20	.03	
Sandblasting—waterblasting	6.285	.275	.30	.20	.03	
Steeple jack work, hot materials	6.535	.275	.30	.20	.03	
Pipfitters	6.975	.275	.50		.04	
Plasterers	6.525	.27	.30		.02	
Plumbers	6.60	.22	.42	.50	.05	
Roofers:						
Roofers	5.50	.20	.10	.15	.03	
Kettlemen	4.68	.20	.10	.15	.03	
Helpers	3.48	.20	.10	.15	.03	
Sheet metal workers	5.685	.125	.125	.15	.03	
Soft floor layers	6.15		.10		.015	
Sprinkler fitters	7.60	.25	.40		.03	
The setters, marble masons, mosaic and terrazzo workers	5.90				.05	
Truck drivers:						
Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	5.05					
1½ through 2½ tons; dump truck less than 7 yd.	5.34					
Over 2½ tons; farm tractors; fork lifts, floats	5.60					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pickup drivers	6.01					
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						

## Footnotes:

a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4% of basic hourly rates.

b. Paid holidays: A through F.

Paid holidays: A—New Years' Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

## SUPERSEDED DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
14-Texas-PEO-1 k:						
Building construction:						
Asphalt plant mixer operator; back filler; blade grader (self-propelled); building elevator (used on construction); bull clam; bulldozer and all types cat tractors; cable way; clam shells, draglines, backhoe; concrete batch plant operator; concrete mixer (14 ft. cu. or more); crane—power operated (all types); crusher operator; derrick—power operated (all types); DW-10 caterpillar, S-18 Euclid and similar tractors; elevating grader (self-propelled); forklift used on construction (not including warehousing); foundation boring machine; gasoline or diesel driven welding machines (7 or more); Gradall; heavy duty mechanic; highlift; hoist (motor driven, 2-drum or more); locomotive crane; mix mobile; paving mixer (all types); pile driver; pneumatic rollers (self-propelled); pumpcrete machine operator; push cat operator; scoomobiles; scraper (heavy type over 3 cu. yd.); shovel (power operated); trenching machine (all sizes); tug boat operator (assigned to construction); Turnapulls; water well drilling machines (used on construction); well point pump; winch truck; all other equipment of similar nature coming under the heavy equipment class, when power operated.	6.35	.20	.30		.01	
Air compressors; blade grader (towed); concrete mixer (less than 14 cu. ft.); conveyor; flex plant; form grader; gasoline or diesel driven, over 1,500 w.; hoist (single drum); pulsometer; pumps; rubber-tired farm tractor with attachments; scraper (3 cu. yd. or less); truck crane driver; wagon drill operator; a light equipment operator may run 1 or 2 105 c.f.m. compressors. — All other equipment of similar nature coming under the light equipment class, when power operated.	5.77	.20	.30		.01	
Fireman	5.37	.20	.30		.01	
Oiler	5.26	.20	.30		.01	
14-Texas-3 f:						
Incidental paving and utilities:						
Air tool man	2.80					
Asphalt heaterman	2.85					
Asphalt raker	3.00					
Asphalt shoveler	2.50					
Batching plant scaleman	2.60					
Carpenter	4.00					
Carpenter helper	3.00					
Concrete finisher (paving)	3.75					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	3.45					
Concrete finisher helper (structures)	3.00					
Concrete rubber	3.00					
Electrician	5.50					
Form builder (structures)	3.50					
Form builder helper (structures)	2.55					
Form liner (paving and curb)	3.65					
Form setter (paving and curb)	3.45					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.75					
Form setter helper (structures)	2.65					
Laborer, common	2.25					
Laborer, utility man	2.50					
Manhole builder, brick	3.75					
Mechanic	4.00					
Mechanic helper	3.10					
Oiler	2.95					
Serviceman	3.10					
Painter (structures)	3.90					
Painter helper (structures)	2.80					
Piledriverman	3.50					
Pipelayer	3.00					
Pipelayer helper	2.75					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	3.40					
Reinforcing steel setter helper	2.50					
Steel worker (structural)	3.90					
Steel worker helper (structural)	2.75					
Spreader box man	3.50					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.20					
Bulldozer, 150 hp. and less	3.25					
Bulldozer, over 150 hp.	3.50					
Concrete paving curing machine	3.35					
Concrete paving finishing machine	3.35					
Concrete paving longitudinal float	3.25					
Concrete paving mixer	3.75					
Concrete paving spreader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	4.00					
Crusher or screening plant operator	3.25					
Foundation drill operator (crawler mounted)	4.00					
Foundation drill operator (truck mounted)	3.85					
Front end loader (2¼ cu. yd. and less)	3.25					
Front end loader (over 2¼ cu. yd.)	3.50					
Mixer (16 cu. ft. and less)	3.55					
Motor grader operator, fine grade	3.75					
Motor grader operator	3.50					
Roller, steel wheel (plant—mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.75					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (Over 17 cu. yd.)	3.25					
Tractor (crawler type) 150 hp. and less	3.00					
Tractor (crawler type) over 150 hp.	3.15					
Tractor (pneumatic) 80 hp. and less	2.40					
Tractor (pneumatic) over 80 hp.	2.55					
Trenching machine, heavy	4.00					
Wagon drill, boring machine or post hole driller operator	3.25					
Truckdrivers:						
Single axle, light	2.50					
Single axle, heavy	2.75					
Tandem axle or semitrailer	2.60					
Winch	2.50					
Welder	4.00					
Welder helper	3.00					

## SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>4-Texas-LC 1:</b>						
Line construction:						
Linemen	7.465	.17	1%		1/2%	
Ground mechanics	6.42	.17	1%		1/2%	
Groundmen	5.15	.17	1%		1/2%	
Groundmen (1st 6 mo.)	3.77	.17	1%		1/2%	

State: Texas; County: Lubbock.

Decision No. AM-11,409; date of decision: Mar. 31, 1972.

Supersedes Decision No. AM-7,716, dated Nov. 19, 1971, in 36 F.R. 22123.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>24-Texas-1 w:</b>						
Building construction:						
Asbestos workers	\$6.55	\$0.30	\$0.25			
Boilermakers	6.50	.30	.40		\$0.01	
Bricklayers; stonemasons	5.625					
Carpenters	6.00				.01	
Cementmasons	4.75					
Electricians:						
Electricians	6.15	.20	1%			
Cable splicers	6.40	.20	1%			
Elevator constructors	3.54	.175	\$0.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers:						
Structural; ornamental; reinforcing	\$5.775	.25	.40		.05	
All ironworkers on jobs (30) miles or more from the city of Lubbock	5.90	.25	.40		.05	
Laborers:						
Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below	3.60					
Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all nonmetallic pipe); handling, laying and cleaning pumpcrete pipe	3.875					
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers and spreaders; pot men and kettlemen, well drillers, bell hole men, dumpers and spotters	3.70					
Wagon drill	3.95					
Blasters and powder make-up men	4.20					
Lathers	6.125	.125			.01	
Painters:						
Brush	5.00					
Spray	5.65					
Plasterers	5.625					
Plumbers—steamfitters	6.20		.30		.02	
Sheet metal workers	6.10					
Soft floor layers	5.00					
Sprinkler fitters	7.00	.25	.40		.05	
Truckdrivers	3.00					
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						

## Footnotes:

a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4% of basic hourly rates.

b. Paid holidays: A through F.

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor day;

E—Thanksgiving Day; F—Christmas Day.

**28-Texas-PEO-1 f:**

Building construction:					
Power equipment operators:					
Heavy equipment operators: Drilling machine (all types); scoopmobile; hoists, 2 drums or more; winch truck; 6-wheel truck, when used continuously for 5 days; mixermobile; locomotives; mixers, 14 cu. ft. or over; blade graders, self-propelled; cableways; cranes—power operated to 100 ft.; Fordson type backhoe; derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; paving mixers (all types); piledrivers; mobile concrete mixers, over 14 cu. ft.; bulldozers, loaders, Tractovators; scrapers and pulls; welders; trenching machines; roller, 10 tons or over; air compressors, 3; air compressor and 1 pump; pump, 3 or more; air compressor and air tigger; boilers, 2 or more fired by 1 man; heavy-duty mechanic	5.575	.30	.20		
Light equipment operators: Air compressor (1); pump (1); pulsometer; conveyor; throttle valves; wagon drill; elevators building; form graders; hoist, single drum; mixers, less than 14 cu. ft.; screening plants; welding machines, gas and diesel (2 or more); crushing plants; forklifts (short, under 25 ft.); concrete pumps (all types). Bobcat type equipment; Ford tractor or like with any attachment (except backhoe)	5.175	.30	.20		
Oilers (all types)	4.60	.30	.20		

**24-Texas-3 f:**

Incidental paving and utilities:					
Air tool man	2.60				
Asphalt heaterman	2.50				
Asphalt raker	2.90				
Batching plant scaleman	2.75				
Carpenter	3.75				
Carpenter helper	2.65				
Concrete finisher (structures)	2.90				
Fireman	2.70				
Form builder (structures)	2.80				
Form builder helper (structures)	2.50				
Form setter (structures)	3.25				
Form setter helper (structures)	2.50				
Laborer, common	2.00				
Laborer, utility man	2.50				
Mechanic	3.10				
Mechanic helper	2.80				
Oiler	2.50				
Serviceman	2.70				
Powderman	3.25				
Spreader box man	2.70				

## SUPERSEDED DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
24-Texas-3 f—Continued						
Incidental paving and utilities—Continued						
Power equipment operators:						
Asphalt distributor	2.60					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.60					
Crane, clamshell, backhoe, derrick, dragline shovel (less than 1½ cu. yd.)	3.15					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.75					
Crusher or screening plant operator	3.00					
Front end loader (2½ cu. yd. and less)	2.80					
Front end loader (over 2½ cu. yd.)	3.00					
Motor grader operator, fine grade	3.85					
Motor grader operator	3.50					
Roller, steel wheel (plant—mix pavements)	2.00					
Roller, steel wheel (other—flat wheel or tamping)	2.55					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) 150 h.p. and less	2.50					
Tractor (crawler type) over 150 h.p.	3.50					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	2.65					
Traveling mixer	2.80					
Wagon drill, boring machine or post hole driller operator	2.75					
Truckdrivers:						
Single axle, light	2.00					
Single axle, heavy	2.50					
Tandem axle or semitrailer	2.25					
Transit-mix	2.75					
Welder	3.50					
6-Texas-LC g						
Line construction:						
Lineman	6.35		1%			
Operators	5.45		1%			
Groundmen (more than 1 year experience)	5.20		1%			
Groundmen (less than 1 year experience)	4.70		1%			
Flat bed truck operator	4.45		1%			

[FR Doc. 72-4780 Filed 3-30-72;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report 589]

### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

#### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

MARCH 27, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an

<sup>1</sup> All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cutoff rules apply to those applications listed below as having

application, in order to be considered with any domestic public radio services application appearing on the list set forth below must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be en-

been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

titled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

BEN F. WAPLE,

Secretary.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—CONTINUED

- 6238-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 21, a new station is located 3.9 miles northwest of Hartsville, Tenn., at latitude 36°25'23" and longitude 86°13'9". Frequencies 6093.5H MHz on azimuth 206°41' and 6063.9V MHz on azimuth 330°41'.
- 6234-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 22, a new station is located 0.9 mile south of New Roe, Ky., at latitude 36°39'11" and longitude 86°22'43". Frequencies 6345.5V MHz on azimuth 150°35' and 6315.9H MHz on azimuth 15°4'.
- 6235-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 25, a new station is located 1.1 miles northeast of Park City, Ky., at latitude 37°6'25" and longitude 86°7'23". Frequencies 6345.5H MHz on azimuth 227°1' and 6315.9H MHz on azimuth 10°19'.
- 6236-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 26, a new station is located 3.5 miles northwest of Bonnieville, Ky., at latitude 37°24'10" and longitude 85°57'20". Frequencies 6093.5H MHz on azimuth 190°21' and 6093.5V MHz on azimuth 320°0' and 6063.8V MHz on azimuth 52°35'.
- 6237-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 27, a new station is located 5 miles east-northeast of Hodgenville, Ky., at latitude 37°55'20" and longitude 85°38'57". Frequencies 6345.5V MHz on azimuth 232°46' and 6315.9H MHz on azimuth 7°53'.
- 6238-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 28, a new station is located 2 miles west-southwest of Deatsville, Ky., at latitude 37°53'27" and longitude 85°35'47". Frequencies 6093.5H MHz on azimuth 187°55' and 6152.8V MHz on azimuth 337°15' and 6063.8H MHz on azimuth 40°54'.
- 6239-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 31, a new station is located 1.5 miles north-northwest of Normandy, Ky., at latitude 38°7'7" and longitude 85°20'47". Frequencies 6345.5H MHz on azimuth 221°3' and 6315.9V MHz on azimuth 56°29'.
- 6240-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 32, a new station is located 0.5 mile north of Bagdad, Ky., at latitude 38°16'6" and longitude 85°3'32". Frequencies 6093.5V MHz on azimuth 236°40' and 6063.8V MHz on azimuth 54°36'.
- 6241-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 33, a new station is located 3.8 miles east-southeast of Monterey, Ky., at latitude 38°24'44" and longitude 84°48'4". Frequencies 6345.5V MHz on azimuth 234°45' and 6315.9H MHz on azimuth 66°39'.
- 6242-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 34, a new station is located 0.7 mile west-southwest of Stringtown, Ky., at latitude 38°30'33" and longitude 84°30'51". Frequencies 6093.5H MHz on azimuth 246°50' and 6063.8H MHz on azimuth 44°18'.
- 6243-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 35, a new station is located 3.1 miles northeast of Falmouth, Ky., at latitude 38°42'1" and longitude 84°16'33". Frequencies 6345.5H MHz on azimuth 224°27' and 6315.9V MHz on azimuth 344°54'.
- 6244-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 36, a new station is located 1.1 miles east-northeast of Alexandria, Ky., at latitude 38°57'44" and longitude 84°21'59". Frequencies 6093.5V MHz on azimuth 164°50' and 6063.8V MHz on azimuth 354°17'.
- 6245-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 43, a new station is located 2.1 miles northeast of Chandler, Ind., at latitude 38°3'44" and longitude 87°20'17". Frequencies 6375.2H MHz on azimuth 119°2' and 6345.5V MHz on azimuth 270°55'.
- 6246-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 46, a new station is located 2 miles north-northwest of Calvin, Ill., at latitude 38°14'17" and longitude 88°2'12". Frequencies 6404.8V MHz on azimuth 121°44' and 6404.8H MHz on azimuth 287°14'.
- 6247-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 47, a new station is located 1.4 miles north-northeast of Hubbard, Ill., at latitude 38°19'20" and longitude 88°23'0". Frequencies 6123.1V MHz on azimuth 107°1' and 6093.5H MHz on azimuth 241°24'.
- 6248-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 48, a new station is located 2 miles southwest of Dahlgren, Ill., at latitude 38°10'55" and longitude 88°42'30". Frequencies 6375.2H MHz on azimuth 61°12' and 6345.5V MHz on azimuth 269°35'.
- 6249-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 49, a new station is located 1 mile south-southeast of Scheller, Ill., at latitude 38°10'45" and longitude 89°4'58". Frequencies 6123.1V MHz on azimuth 89°21' and 6093.5V MHz on azimuth 267°57'.
- 6250-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 50, a new station is located 7 miles north-northwest of Pinckneyville, Ill., at latitude 38°10'5" and longitude 89°27'14". Frequencies 6375.2V MHz on azimuth 87°43' and 6286.2V MHz on azimuth 288°47'.
- 6251-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 51, a new station is located 0.3 mile east of Marietta, Ill., at latitude 38°14'41" and longitude 89°44'28". Frequencies 6004.5V MHz on azimuth 108°36' and 6004.5V MHz on azimuth 304°42'.

## APPLICATIONS ACCEPTED FOR FILING

- 6383-C2-P-72—Southwestern Bell Telephone Co. (KK446), to establish auxiliary test facilities to operate on 157.80, 157.92, and 158.01 MHz to be located at 410 West Missouri Street, Midland, TX.
- 6384-C2-P-72—Zipcall (KOB890), for additional facilities to operate on 43.58 MHz at a new site described as location No. 7: Oak Street, 0.4 mile north of Route No. 6, Barnstable, Mass.
- 6424-C2-P-72—Albert E. Armour, Jr. (KOF912), change repeater frequency to 2128.0 MHz and change the antenna system at location No. 1: Atop Sacaton Peak, 10 miles north-northwest of Casa Grande, Ariz., and change the control frequency to 2178.0 MHz and change the antenna system at location No. 2: 1641 North Pinal Avenue, Casa Grande, AZ.
- 6425-C2-TC-72—Anserione of St. Lucie County, Inc., consent to transfer of control from Catherine C. Anderson and James E. Anderson, transferors, to Edna S. Higgs, transferee. Station: K1G838 Fort Pierce, Fla.
- 6456-C2-MP-(2)-72—Northwestern Bell Telephone Co. (KAQ604), replace transmitters operating on 152.69 and 152.75 MHz located at 0.5 mile west of Comstock, Minn.
- 6461-C2-P-72—Radio Paging Service (KKE970), for additional facilities to operate on 152.06 MHz located at 7400 University Avenue, Lubbock, TX.
- Major Amendment*
- 7530-C2-P-(2)-71—Telanswer Radiophone Service (New), change control frequency to 454.25 MHz. See public notice dated July 6, 1971, Report No. 551.
- 924-C2-P-70—Joseph Giorgianni (KCA725), amended to read: Mobilphone-Paging Radio Corp. See public notice dated Sept. 2, 1969, Report No. 455.
- 2031-C2-P-(6)-72—Empire Communications Co. (KOP806), amended to read: At location No. 1 add 459.15 MHz repeater and at location No. 2 change control frequency to 454.15 MHz. See public notice dated Oct. 18, 1971, Report No. 566.
- Correction*
- 6126-C2-P-72—Atlas Radiophone (KJM224), correct to read: Change the control frequency to 72.86 MHz. See public notice dated Mar. 20, 1972, Report No. 588.
- POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)
- (INFORMATIVE: Applicant MCI Kentucky Central, Inc., is modifying its original proposal for specialized common carrier radio services between Atlanta, Ga., Cincinnati, Ohio, and St. Louis, Mo., by filing 27 new applications as listed below.)
- 6226-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 3, a new station is located 2.7 miles east of Dallas, Ga., at latitude 33°55'8" and longitude 84°47'38". Frequencies 6226.9 H MHz on azimuth 134°1' and 6404.8 V MHz on azimuth 317°34'.
- 6227-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 4, a new station is located 4.4 miles north of Wax, Ga., at latitude 34°12'20" and longitude 85°6'35". Frequencies 5974.8 V MHz on azimuth 137°24' and 6093.5 V MHz on azimuth 313°32'.
- 6228-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 8, a new station is located 2.7 miles southwest of Tifton, Tenn., at latitude 34°59'58" and longitude 84°24'47". Frequencies 6345.5 V MHz on azimuth 175°31' and 11,225.0 V MHz and 11,625.0 V MHz on azimuth 68°34' and 6256.5 V MHz on azimuth 278°34'.
- 6229-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 10, a new station is located 3.4 miles northeast of Orme, Tenn., at latitude 35°2'29" and longitude 85°45'19". Frequencies 6034.2 V MHz on azimuth 98°23' and 6004.5 V MHz on azimuth 262°1'.
- 6230-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 16, a new station is located 1 mile east-southeast of Postville, Tenn., at latitude 35°39'5" and longitude 86°23'15". Frequencies 6345.5 V MHz on azimuth 162°47' and 6315.9 V MHz on azimuth 333°20'.
- 6231-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 17, a new station is located 5.9 miles south of Smyrna, Tenn., at latitude 35°53'35" and longitude 86°32'12". Frequencies 6093.5 V MHz on azimuth 153°15' and 6063.8 H MHz on azimuth 25°0'.
- 6232-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 18, a new station is located 4.8 miles southwest of Lebanon, Tenn., at latitude 36°9'31" and longitude 86°23'2". Frequencies 6345.5 H MHz on azimuth 205°6' and 6226.9 V MHz on azimuth 261°14' and 6315.9 H MHz on azimuth 26°35'.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6252-C1-P-72—MCI Kentucky Central, Inc. (New), Site No. 52, a new station is located 2.3 miles north-northwest of Millstadt, Ill., at latitude 38°25'32" and longitude 90°4'26". Frequencies 6286.2V MHz on azimuth 124°30' and 6345.5V MHz on azimuth 307°45'.  
 6263-C1-P-72—South Central Bell Telephone Co. (KJH23), 521 West Chestnut Street, Louisville, Ky. Latitude 38°14'58" N., longitude 85°45'39" W. C.P. to add 3730V MHz toward Fisherville, Ky., a new station.  
 6264-C1-P-72—South Central Bell Telephone Co. (New), 1 mile southeast of Fisherville, Ky. Latitude 38°10'46" N., longitude 85°26'39" W. C.P. for a new station to add 3770V MHz toward Mount Eden, Ky., a new station and 4090V MHz toward Louisville, Ky.  
 6265-C1-P-72—South Central Bell Telephone Co. (New), 0.7-mile east of Mount Eden, Ky. Latitude 38°08'25" N., longitude 95°08'22" W. C.P. for a new station to add 3730V MHz toward Mackville, Ky., a new station and 4050V MHz toward Fisherville, Ky., a new station.  
 6266-C1-P-72—South Central Bell Telephone Co. (New), 0.7-mile north of Mackville, Ky. Latitude 37°44'48" N., longitude 85°03'57" W. C.P. for a new station to add 3770H MHz toward Danville, Ky., and 4090V MHz toward Mount Eden, Ky., a new station.  
 6267-C1-P-72—South Central Bell Telephone Co. (KJK51), 216 South Fourth Street, Danville, Ky. Latitude 37°38'38" N., longitude 84°46'25" W. C.P. to add 4050H MHz toward Mackville, Ky., a new station.

(INFORMATIVE: Applicant, MCI Texas-Pacific, Inc., is modifying its original proposal for Specialized Carrier Radio Service between Dallas, Tex., and Los Angeles, Calif., and points in between by filing the 28 new applications listed below.)

- 6345-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 2, Irving, Tex. C.P. for a new station at the intersection of Highway 183 and Darr Street, Irving, Tex., at latitude 32°50'02" N., longitude 96°55'11" W. Frequencies 11,665.0H, 11,265.0H MHz on azimuth 114°59' toward Dallas, Tex., and 11,625.0H, 11,225.0H MHz on azimuth 233°22' toward Arlington, Tex.  
 6346-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 4, Burleson, Tex. C.P. for a new station 1.3 miles south of Burleson, Tex., at latitude 32°30'56" N., longitude 97°19'32" W. Frequencies 5945.2H MHz on azimuth 43°42' toward Arlington, Tex., 5945.2H MHz on azimuth 316°58' toward Westland, Tex., and 5974.8H MHz on azimuth 858°55' toward Fort Worth, Tex.  
 6347-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 8, Jacksboro, Tex. C.P. for a new station 5.5 miles south of Jacksboro, Tex., at latitude 33°08'04" N., longitude 98°09'53" W. Frequencies 6315.9H MHz on azimuth 130°11' toward Giltown, Tex., and 6286.2H MHz on azimuth 297°19' toward Loving, Tex.  
 6348-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 12, Reynolds Bend, Tex. C.P. for a new station 18.8 miles east-northeast of Haskell, Tex., at latitude 33°13'10" N., longitude 99°24'19" W. Frequencies 6375.2V MHz on azimuth 120°32' toward Throckmorton, Tex., and 6404.8H MHz on azimuth 303°12' toward Wehnert, Tex.  
 6349-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 13, Wehnert, Tex. C.P. for a new station 5.8 miles east of Wehnert, Tex., at latitude 33°18'43" N., longitude 99°34'26" W. Frequencies 6063.8H MHz on azimuth 123°06' toward Reynolds Bend, Tex., and 5974.8H MHz on azimuth 271°40' toward Rochester, Tex.  
 6350-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 20, Mayfield, Tex. C.P. for a new station 5.9 miles southeast of Olton, Tex., at latitude 34°07'50" N., longitude 120°02'22" W. Frequencies 6315.9H MHz on azimuth 108°56' toward Hale Center, Tex., and 6375.2V MHz on azimuth 300°47' toward Springlake, Tex.  
 6351-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 23, Baileyboro, Tex. C.P. for a new station 5.5 miles southwest of Baileyboro, Tex., at latitude 33°59'19" N., longitude 102°54'19" W. Frequencies 6093.5H MHz on azimuth 66°34' toward Sudan, Tex., and 6004.5V MHz on azimuth 255°47' toward Rogers, N. Mex.  
 6352-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 25, Pep, N. Mex. C.P. for a new station 8.3 miles west-northwest of Pep, N. Mex., at latitude 33°52'42" N., longitude 103°28'29" W. Frequencies 5974.8H MHz on azimuth 78°20' toward Rogers, N. Mex. and 6152.8V MHz on azimuth 259°10' toward Kenna, N. Mex.  
 6353-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 28, Riley, N. Mex. C.P. for a new station 4.2 miles southeast of Riley, N. Mex., at latitude 34°19'56" N., longitude 107°10'04" W. Frequencies 6197.2V MHz on azimuth 98°23' toward Red Mesa, N. Mex., and 6256.5H MHz on azimuth 312°21' toward Victorino, N. Mex.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6354-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 33, Victorino, N. Mex. C.P. for a new station 6.2 miles northwest of Field, N. Mex., at latitude 34°35'59" N., longitude 107°31'24" W. Frequencies 6004.5H MHz on azimuth 132°09' toward Elley, N. Mex. and 6093.8V MHz on azimuth 225°35' toward Datil, N. Mex.  
 6355-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 81, Wittman, Ariz. C.P. for a new station 6 miles east-southeast of Wittman, Ariz., at latitude 33°44'34" N., longitude 112°25'57" W. Frequencies 6197.2H MHz on azimuth 06°20' toward Crown King, Ariz., and 6197.2V MHz on azimuth 151°06' toward Tolleson, Ariz.  
 6356-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 82, Tolleson, Ariz. C.P. for a new station 1 mile north of Tolleson, Ariz., at latitude 33°28'16" longitude 112°15'13" W. Frequencies 5945.2V MHz on azimuth 331°12' toward Wittman, Ariz., and 11625.0V MHz, 11225.0V MHz on azimuth 96°43' toward Phoenix, Ariz.  
 6357-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 40, Hillside Ariz. C.P. for a new station 2.7 miles west-northwest of Hillside, Ariz., at latitude 34°25'43" N., longitude 112°57'43" W. Frequencies 6226.9V MHz on azimuth 111°22' toward Crown King, Ariz., and 6197.2V MHz on azimuth 290°47' toward Wikieup, Ariz.  
 6358-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 41, Wikieup, Ariz. C.P. for a new station 6.7 miles southwest of Wikieup, Ariz., at latitude 34°40'02" N., longitude 113°43'49" W. Frequencies 5945.2V MHz on azimuth 110°21' toward Hillside, Ariz., and 5974.8H MHz on azimuth 269°29' toward Powell, Ariz.  
 6359-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 42, Powell, Ariz. C.P. for a new station 6.2 miles southeast of Powell, Ariz., at latitude 34°39'42" N., longitude 114°18'05" W. Frequencies 6226.9H MHz on azimuth 89°10' toward Wikieup, Ariz., and 6197.2V MHz on azimuth 305°58' toward Kilmefelter, Calif.  
 6360-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 43, Kilmefelter, Calif. C.P. for a new station 9.5 miles northwest of Needles, Calif., at latitude 34°55'57" N., longitude 114°45'24" W. Frequencies 5945.2V MHz on azimuth 125°40' toward Powell, Ariz., and 6034.2V MHz on azimuth 267°35' toward Goffs, Calif.  
 6361-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 44, Goffs, Calif. C.P. for a new station 0.1 mile north of Goffs, Calif., at latitude 34°55'17" N., longitude 115°08'51" W. Frequencies 6256.5V MHz on azimuth 87°24' toward Kilmefelter, Calif., and 6286.2H MHz on azimuth 224°41' toward Cadiz, Calif.  
 6362-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 45, Cadiz, Calif. C.P. for a new station 3.5 miles north-northeast of Cadiz, Calif., at latitude 34°33'56" N., longitude 115°29'19" W. Frequencies 6152.8H MHz on azimuth 44°26' toward Goffs, Calif., and 6034.2H MHz on azimuth 257°02' toward Amboy, Calif.  
 6363-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 46, Amboy, Calif. C.P. for a new station 2.5 miles north of Amboy, Calif., at latitude 34°31'00" N., longitude 115°44'37" W. Frequencies 6256.5H MHz on azimuth 76°53' toward Cadiz, Calif., and 6286.2H MHz on azimuth 296°31' toward Ragtown, Calif.  
 6364-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 47, Ragtown, Calif. C.P. for a new station 2.7 miles south-southeast of Ludlow, Calif., at latitude 34°41'00" N., longitude 116°08'59" W. Frequencies 6004.5H MHz on azimuth 116°17' toward Amboy, Calif., and 6034.2H MHz on azimuth 290°56' toward Pisgah Crater, Calif.  
 6365-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 48, Pisgah Crater, Calif. C.P. for a new station 12.4 miles west-northwest of Ludlow, Calif., at latitude 34°45'21" N., longitude 116°22'48" W. Frequencies 6256.5H MHz on azimuth 110°48' toward Ragtown, Calif., and 6286.2V MHz on azimuth 296°44' toward Toomey, Calif.  
 6366-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 49, Toomey, Calif. C.P. for a new station 2.3 miles northeast of Yermo, Calif., at latitude 34°55'22" N., longitude 116°47'02" W. Frequencies 6004.5V MHz on azimuth 116°31' toward Pisgah Crater, Calif., and 6034.2H MHz on azimuth 236°35' toward Barstow, Calif.  
 6367-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 50, Barstow, Calif. C.P. for a new station 7.2 miles south of Barstow, Calif., at latitude 34°47'04" N., longitude 117°02'15" W. Frequencies 6256.5H MHz on azimuth 56°26' toward Toomey, Calif., and 6286.2V MHz on azimuth 246°10' toward Helendale, Calif.  
 6368-C1-P-72—MCI Texas-Pacific, Inc. (New), Site 51, Helendale, Calif. C.P. for a new station 4.6 miles southeast of Helendale, Calif., at latitude 34°42'17" N., longitude 117°15'20" W. Frequencies 6004.5V MHz on azimuth 66°03' toward Barstow, Calif., and 6034.2V MHz on azimuth 247°45' toward El Mirage, Calif.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6369-C1-P-72—MCI Texas Pacific, Inc. (New), Site 52, El Mirage, Calif. C.P. for a new station 6.5 miles northwest of Adelanto, Calif., at latitude 34°36'55" N., longitude 117°31'09" W. Frequencies 6256.5V MHz on azimuth 67°36' toward Helendale, Calif. and 6286.2V MHz on azimuth 226°05' toward Pinon Hills, Calif.
- 6370-C1-P-72—MCI Texas Pacific, Inc. (New), Site 53, Pinon Hills, Calif. C.P. for a new station 4.8 miles west of Pinon Hills, Calif., at latitude 34°27'00" N., longitude 117°43'34" W. Frequencies 6034.2H MHz on azimuth 45°58' toward El Mirage, Calif., and 6004.5H MHz on azimuth 279°24' toward Vincent, Calif.
- 6371-C1-P-72—MCI Texas Pacific, Inc. (New), Site 54, Vincent, Calif. C.P. for a new station 2 miles east of Vincent, Calif., at latitude 34°29'54" N., longitude 118°04'58" W. Frequencies 6256.5H MHz on azimuth 99°12' toward Pinon Hills, Calif., and 6286.2V MHz on azimuth 240°23' toward Magic Mountain, Calif.
- 6372-C1-P-72—MCI Texas Pacific, Inc. (New), Site 55, Magic Mountain, Calif. C.P. for a new station 9 miles southwest of Acton, Calif., at latitude 34°23'14" N., longitude 118°19'05" W. Frequencies 6004.5V MHz on azimuth 60°15' toward Vincent, Calif., and 5974.8V MHz on azimuth 150°11' toward La Crescenta, Calif.
- 6389-C1-P-72—General Telephone Co. of California (KMU48), 101 West Canon Perdido, Santa Barbara, CA. Latitude 34°25'07" N., longitude 119°42'03" W. C.P. to add 10,755V and 10,995V MHz toward Santa Ynez Peak, Calif.
- 6390-C1-P-72—General Telephone Co. of California (KMU46), Santa Ynez Peak, 8 miles southeast of the town of Santa Ynez, Calif. Latitude 34°31'36" N., longitude 119°58'39" W. Frequencies to add to C.P. 11,445H and 11,685H MHz toward Santa Barbara, Calif., and 11,325V MHz toward Solvang, Calif.
- 6391-C1-P-72—General Telephone Co. of California (New), 0.5 mile east of Solvang, Calif., on State highway 24L. Latitude 34°35'52" N., longitude 120°07'46" W. C.P. for a new station to add 10,875H MHz toward Santa Ynez Peak, Calif.

(INFORMATIVE: Applicant MCI Mid-Atlantic Communications, Inc., is modifying its original proposal for specialized common carrier radio service between Washington, D.C., and Atlanta, Ga., by filing three new applications as listed below.)

- 6392-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), a new station located 3.2 miles west-southwest of Hurdle Mills, N.C., at latitude 36°15'53" N., longitude 79°06'12" W. Frequency 6226.9V MHz on azimuth 341°58' and frequency 6226.9H on azimuth 108°12'.
- 6398-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), a new station located 3.5 miles southeast of Hillsborough, N.C., at latitude 36°02'56" N., longitude 79°02'52" W. Frequencies 5974.8H on azimuth 348°14' and frequencies 11,665.0H and 11,265.0H on azimuth 114°43'.
- 6394-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), a new station located 1.6 miles north-northeast of Leesville, N.C., at latitude 35°55'47" N., longitude 78°43'19" W. Frequencies 11,665.0H and 11,265.0H on azimuth 293°52' and 11,665.0H and 11,265.0H on azimuth 156°20'.
- 6395-C1-ML-72—Bell Telephone Company of Nevada (KPF69), Black Mountain, 3 miles northwest of Schurz, Nev. latitude 38°57'58" N., longitude 118°53'18" W. Modification of license to change polarization from V to H on frequencies 6197.2H and 6315.9H MHz toward Rabbit Springs, Nev.
- 6396-C1-ML-72—Bell Telephone Company of Nevada (KPF90), Rabbit Springs, 18.5 miles northwest of Luning, Nev. latitude 38°39'16" N., longitude 118°18'44" W. Modification of license to change polarization from V to H on frequencies 5945.2H and 6063.8H MHz toward Black Mountain, Nev.
- 6397-C1-P-72—The Mountain States Telephone and Telegraph Co. (KPC70), Mingus Mountain, 7.5 miles south of Jerome, Ariz. latitude 34°41'12" N., longitude 112°06'59" W. C.P. to add hot standby for protection only on existing frequencies.
- 6398-C1-P-72—The Mountain States Telephone and Telegraph Co. (KPL23), 140 North Marina Street, Prescott, AZ. latitude 34°32'36" N., longitude 112°28'01" W. C.P. to add hot standby for protection only on existing frequencies.
- 6399-C1-P-72—Northwestern Bell Telephone Co. (KBI54), 619 Third Avenue, SE., Cedar Rapids, IA. C.P. to correct coordinates latitude 41°58'47" N., longitude 91°39'41" W.; change alarm center to 619 Third Avenue SE., Cedar Rapids, IA.
- 6400-C1-ML-72—Northwestern Bell Telephone Co. (WDD42), 0.0 mile north of Iowa City, Iowa. Latitude 41°41'10" N., longitude 91°30'47" W. Modification of C.P. with no change in frequencies or transmitters from existing authorization.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6401-C1-ML-72—Northwestern Bell Telephone Co. (KBC79), 0.2 mile west of northwest corner, Muscatine, Iowa. Latitude 41°26'41" N., longitude 91°05'00" W. Modification of C.P. with no change in frequencies or transmitters from existing authorization.

(INFORMATIVE: The applicant proposes to increase the message circuit capacity of a TD-2 microwave route between Cedar Rapids, Iowa City and Muscatine, Iowa to 1200 message circuits per radio channel.)

- 6405-C1-P-72—Deer River Telephone Exchange, Inc. (New), junction of State Highway No. 38 and C.S.A.H. 286, Marcell, Minn. Latitude 47°35'32" N., longitude 93°41'34" W. C.P. for a new station to add 5989.68H and 6108.28H MHz toward Big Fork, Minn., and 5960.02H and 6078.63H MHz toward Deer River, Minn.
- 6406-C1-P-72—Deer River Telephone Exchange, Inc. (KCG76), corner of Ash Street and Elm Avenue, Big Fork, Minn. Latitude 47°44'38" N., longitude 93°39'20" W. C.P. to change bearing on azimuth to 34°53' and Big Fork passive to Marcell repeater on azimuth 190°47'.
- 6407-C1-P-72—Deer River Telephone Exchange, Inc. (KIL64), 209 Second Street SE., Deer River, MN. Latitude 47°19'56" N., longitude 93°47'30" W. C.P. to change frequencies 5989.6H and 6108.3H MHz to 6212.06H and 6330.67H MHz on azimuth 204°19' toward Deer River via passive reflector. Deer River via passive reflector to Marcell on azimuth 14°29'.
- 6408-C1-P-72—The Mountain States Telephone and Telegraph Co. (KLC49), 120 Fourth Street NW., Albuquerque, NM. Latitude 35°05'06" N., longitude 106°39'03" W. C.P. to replace transmitter on frequency 2117.2V MHz and increase output to 350079 toward Jemez, N. Mex., on azimuth 344°31'.
- 6409-C1-P-72—The Mountain States Telephone and Telegraph Co. (KLD48), 12 miles northwest of Jemez, N. Mex. Latitude 35°41'43" N., longitude 106°51'29" W. C.P. to replace transmitters on frequencies 2187.2V MHz toward Albuquerque and 2165.6V MHz toward Cuba, N. Mex., and change power.
- 6410-C1-P-72—The Mountain States Telephone and Telegraph Co. (KPB52), 70 South State Street, Salt Lake City, UT. Latitude 40°46'03" N., longitude 111°53'16" W. C.P. to add 4130H MHz toward Camp Williams, Utah.
- 6411-C1-P-72—The Mountain States Telephone and Telegraph Co. (KPB63), 5 miles northwest of Lehi, Utah. Latitude 40°25'38" N., longitude 111°56'12" W. C.P. to add 4170H MHz toward Salt Lake City and Provo, Utah.
- 6412-C1-P-72—The Mountain States Telephone and Telegraph Co. (KPB54), 1210 West Center Street, Provo, UT. Latitude 40°14'03" N., longitude 111°40'41" W. C.P. to add 4130H MHz toward Camp Williams, Utah.
- 6413-C1-P-72—Pacific Northwest Bell Telephone Co. (KOJ96), 1 mile northwest of Sprague, Wash. Latitude 47°18'47" N., longitude 117°59'33" W. C.P. to add 6049.0H and 6108.3H MHz toward Kamiak Butte, Wash.
- 6414-C1-P-72—Pacific Northwest Bell Telephone Co. (New), Kamiak Butte, 5.5 miles south-west of Palouse, Wash. Latitude 46°51'37" N., longitude 117°10'49" W. C.P. for a new station to add 10,735H MHz toward Moscow (KUID-TV) Washington and 10,755 MHz toward Pullman (KWSU-TV) Wash.
- 6415-C1-P-72—Rochester Telephone Corp. (KEE42), 95 North Fitzhugh Street, Rochester, NY. Latitude 43°09'25" N., longitude 77°36'57" W. C.P. to replace transmitters on frequencies 5995H and 6235H MHz toward Caledonia, N.Y.
- 6416-C1-P-72—Rochester Telephone Corp. (KEE43), Center Street, Caledonia, N.Y. Latitude 42°58'24" N., longitude 77°51'19" W. C.P. to replace transmitters on frequencies 6115H and 6355H MHz toward Rochester, N.Y., and 6175H and 6415H MHz toward Geneseo, N.Y.
- 6417-C1-P-72—Rochester Telephone Corp. (KEE45), 9 Highland Street, Geneseo, N.Y. Latitude 42°47'41" N., longitude 77°48'10" W. C.P. to replace transmitters on 6055H and 6295H MHz toward Caledonia, N.Y.
- 6418-C1-ML-72—American Telephone and Telegraph Co. (KLS82), Laredo Junction, 13.8 miles east-northeast of Laredo, Tex. Latitude 27°35'02" N., longitude 99°18'02" W. Modification of license to change frequency 4150H to 3770V MHz toward Encinal, Tex.
- 6419-C1-ML-72—American Telephone and Telegraph Co. (KLS81), 11 miles west-southwest of Encinal, Tex. Latitude 27°59'52" N., longitude 99°31'47" W. Modification of license to change frequencies 3710H to 4050V MHz toward Laredo Junction, Tex., and 4110H MHz to 3730V MHz toward Cotulla No. 2, Texas.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—Continued

- 6420-C1-MI-72—American Telephone and Telegraph Co. (KLS30), 3 miles southwest of Cotulla, Tex. Latitude 28°23'52" N., longitude 99°15'37" W. Modification of license to change frequencies 3750H to 4090V MHz toward Enclinal, Tex., and 4150H to 3770V MHz toward Hindes, Tex.
- 6421-C1-MI-72—American Telephone and Telegraph Co. (KLS29), 4.5 miles south of Hindes, Tex. Latitude 28°38'56" N., longitude 98°46'31" W. Modification of license to change frequencies 3710H to 4050V MHz toward Cotulla No. 2, Texas and 4110H to 3730V MHz toward Pleasanton, Tex.
- 6422-C1-MI-72—American Telephone and Telegraph Co. (KLS28), 5.5 miles southeast of Pleasanton, Tex. Latitude 28°53'55" N., longitude 98°25'26" W. Modification of license to change frequencies 3750H to 4090V MHz toward Hindes, Tex., and 4150H to 3770V MHz toward Floresville, Tex.
- 6423-C1-MI-72—American Telephone and Telegraph Co. (KLS27), 5 miles northeast of Floresville, Tex. Latitude 29°11'21" N., longitude 98°06'20" W. Modification of license to change frequency 3710H to 4050V MHz toward Pleasanton, Tex.
- 6426-C1-P-72—The Pacific Telephone and Telegraph Co. (KME46), 3648 Seventh Avenue, San Diego, CA. Latitude 32°44'52" N., longitude 117°09'28" W. C.P. to add 4050H MHz toward Near Julian, Calif.
- 6427-C1-P-72—The Pacific Telephone and Telegraph Co. (KPP95), 5.6 miles north of Julian, Calif. Latitude 33°09'33" N., longitude 116°36'53" W. C.P. to add 4090H MHz toward San Diego, Calif.
- 6428-C1-P-72—Southern Bell Telephone and Telegraph Co. (WAN50), 1 mile south of Stanfield on Loves Chapel Road, Stanfield, N.C. Latitude 35°12'56" N., longitude 80°25'57" W. C.P. to add 3950V MHz toward McKay, N.C.
- 6429-C1-P-72—Southern Bell Telephone and Telegraph Co. (WAN51), 4.7 miles south of Mount Gilead, McKay, N.C. Latitude 35°09'23" N., longitude 80°02'08" W. C.P. to add 3990V MHz toward Stanfield, N.C., and 3990H MHz toward Hamlet, N.C.
- 6430-C1-P-72—Southern Bell Telephone and Telegraph Co. (WAN52), 2 miles east of Hamlet, N.C. Latitude 34°52'45" N., longitude 79°39'28" W. C.P. to add 3950H MHz toward McKay, N.C., and 3950V MHz toward Montrose, N.C.
- 6431-C1-P-72—Southern Bell Telephone and Telegraph Co. (KIB25), 51 Ivy Street NE., Atlanta, GA. Latitude 33°45'21" N., longitude 84°23'10" W. C.P. to add 6034.2H, 6152.8H toward Marietta, Ga.
- 6432-C1-P-72—Southern Bell Telephone and Telegraph Co. (KRB65), 6.5 miles west of Marietta, Ga. Latitude 33°57'01" N., longitude 84°39'57" W. C.P. to add 6226.9V, 6345.5V MHz toward Atlanta, Ga., and 6226.9H and 6345.5H toward Adairsville, Ga.
- 6433-C1-P-72—Southern Bell Telephone and Telegraph Co. (KRR66), 3.5 miles southeast of Adairsville, Ga. Latitude 34°19'01" N., longitude 84°53'52" W. C.P. to add 6034.2V, 6152.8V MHz toward Marietta, Ga., and 5974.8H and 6093.5H MHz toward Dalton, Ga.
- 6434-C1-P-72—Southern Bell Telephone and Telegraph Co. (KRR67), 2.5 miles southwest of Dalton, Ga. Latitude 34°44'18" N., longitude 85°00'59" W. C.P. to add 6226.9V and 6345.5V MHz toward Adairsville, Ga., and 11365H and 11685H MHz toward Dalton, south Georgia a new station.
- 6438-C1-P-72—KHO Microwave Corp. (New), C.P. for a new station 2 miles southeast of Bayou Chicot, La., at latitude 30°47'14" N., longitude 92°20'22" W. Frequencies 11385V and 11645V MHz on azimuth 320°21'.
- 6439-C1-P-72—KHO Microwave Corp. (New), C.P. for a new station 4 miles west-northwest of Forest Hill, La., at latitude 31°03'06" N., longitude 92°35'39" W. Frequencies 10775H and 10935H MHz on azimuths 80°21' and 307°22'.
- 6460-C1-P-72—KHC Microwave Corp. (New), C.P. for a new station 2.5 miles southeast of Temple, La., at latitude 31°15'41" N., longitude 92°54'52" W. Frequencies 11385H and 11645H MHz on azimuth 248°41'. Applicant proposes to provide the television signals of station WWOM-TV and WYES-TV of New Orleans, La., to Leesville Cable TV, Inc., in Leesville, La., and to Alpine Cable TV in Alexandria, La. See Major Amendment to application 1489-C1-P-70 filed in conjunction with these applications.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—Continued

- The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.
- 6373-C1-P-72—Multi-Communication Services, Inc. (New), Michigan National Bank Tower, Allegan and Capitol, Lansing, Mich. Latitude 42°43'59" N., longitude 84°33'14" W. C.P. for a new station to add 2152.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 (aural) toward various receiving points of system.
- 6374-C1-P-72—Multi-Communication Services, Inc. (New), Mott Foundation Building, 503 South Saginaw Street, Flint, MI. Latitude 43°00'56" N., longitude 83°41'26" W. Frequencies 2152.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.58 (visual) 2154.00 (aural) toward various receiving points of system.
- 6375-C1-P-72—Multi-Communication Services, Inc. (New), 547 Cherry Street, Grand Rapids, MI. Latitude 42°57'36" N., longitude 85°39'18" W. Frequencies 2152.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 (aural) toward various receiving points of system.
- 6376-C1-P-72—Mr. Howard S. Klotz and Mr. Michael Lipper (New), Comeau Building, 319 Clematis Street, West Palm Beach, FL. Latitude 26°42'46" N., longitude 80°03'01" W. Frequencies 2152.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 (aural) toward various receiving points of system.
- 6377-C1-P-72—Mr. A. Michael Lipper (New), 1 mile north-northeast of Farmingville, Long Island. Latitude 40°50'30" N., longitude 78°01'38" W. Frequencies 2152.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 (aural) toward various receiving points of system.
- 6378-C1-P-72—Mr. Howard S. Klotz and Mr. William Corbus (New), 5 miles east of Riverside, Calif. Latitude 33°57'56" N., longitude 117°17'21" W. Frequencies 2152.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 (aural) toward various receiving points of system.
- 6379-C1-P-72—Microwave Relay Services, Inc. (New), 1 mile east of Wenonah in Jefferson County, Birmingham, Ala. Latitude 33°26'36" N., longitude 86°52'50" W. Frequencies 2152.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 (aural) toward various receiving points of system.
- The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.
- 6380-C1-P-72—W. E. Glasscock doing business as Radio Dispatch Service (New), 2140 Warwick Road, Birmingham, AL. Latitude 33°29'34" N., longitude 86°47'33" W. Frequencies 2150.200 (aural) 2152.325 (visual) toward various receiving points of system and 2154.00 (aural) 2158.50 (visual) toward various receiving points of system.
- 6381-C1-P-72—Birmingham Signal Co. (New), 2075 Golden Crest Drive, Birmingham, AL. Latitude 33°29'02" N., longitude 86°48'21" W. Frequencies 2152.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 (aural) toward various receiving points of system.
- 6382-C1-P-72—Services Unlimited, Inc. (New), Wachovia Building, Winston-Salem, N.C. Latitude 36°05'59" N., longitude 80°14'38" W. Frequencies 2150.20 (aural) 2152.325 (visual) toward various receiving points of system and 2154.00 (aural) 2158.00 (visual) toward various receiving points of system.
- INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

## Michigan—Lansing

- Multi-Communication Services, Inc. (New), 6373-C1-P-72.  
 United Video, Inc. (New), 4166-C1-P-72.

- 6712-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 12, station location: 4 miles west-southwest of Francisco, Ala. Delete frequencies 6266.5 V MHz and 6375.2 V MHz on azimuth 62°49', and 6197.2 V MHz and 6315.9 V MHz on azimuth 237°5'. Add frequencies 5974.8 V MHz on azimuth 62°49' and 5974.8 V MHz on azimuth 229°10'.
- 6713-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 13, station location: 1.9 miles northeast of Huntsville, Ala. Delete frequencies 5945.2 V MHz and 6063.8 V MHz on azimuth 56°55', and 10,755.0 V MHz and 10,995.0 V MHz on azimuth 170°51'. Add frequencies 6197.2 V MHz on azimuth 49°1', and 11,225.0 V MHz and 11,625.0 V MHz on azimuth 199°23'. Relocate site to latitude 34°48'1" and longitude 86°33'27".
- 6714-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 14, station location: 123 West Clinton Avenue, Huntsville, Ala. Delete frequencies 11,685.0 V MHz and 11,445.0 V MHz on azimuth 350°52'. Add frequencies 10,735.0 V MHz and 11,135.0 V MHz on azimuth 19°22'.
- 6715-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 15, station location: 2 miles southwest of Tusculuma, Tenn. Delete frequencies 6286.2 V MHz and 6404.8 V MHz on azimuth 148°52', and 6226.9 V MHz and 6345.5 V MHz on azimuth 322°26'. Add frequencies 6093.5 H MHz on azimuth 142°12' and 6063.8 V MHz on azimuth 342°51'. Relocate site to latitude 35°20'0" and longitude 86°16'2".
- 6716-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 16, station location: 3.6 miles east of Nashville, Tenn. Delete frequencies 5945.2 V MHz and 6063.8 V MHz on azimuth 142°16', and 5974.8 V MHz and 6093.5 V MHz on azimuth 347°31'. Add frequencies 5945.2 V MHz on azimuth 81°5', and 10,735.0 V MHz and 11,135.0 V MHz on azimuth 286°58'. Relocate site to latitude 36°7'38" and longitude 86°37'57".
- 6717-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 17, station location: 4th and Church Streets, Nashville, Tenn. Delete frequencies 6197.2 V MHz and 6315.9 V MHz on azimuth 167°29', and 6226.9 V MHz and 6345.5 H MHz on azimuth 14°54'. Add frequencies 11,225.0 V MHz and 11,625.0 V MHz on azimuth 106°52'.
- 6718-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 18, station location: 4.9 miles south-southwest of Polkville, Ky. Delete frequencies 6286.2 V MHz and 6404.8 V MHz on azimuth 193°9', and 6256.5 H MHz and 6375.2 H MHz on azimuth 25°7'. Add frequencies 6093.5 V MHz on azimuth 195°7', and 10,735.0 V MHz and 11,135.0 V MHz on azimuth 306°40', and 6093.5 H MHz on azimuth 46°51'. Relocate site to latitude 36°54'12" and longitude 86°17'41".
- 6720-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 20, station location: 535 10th Street, Bowling Green, Ky. Delete frequencies 6034.2 H MHz and 6152.8 H MHz on azimuth 205°13', and 11,405.0 V MHz and 11,645.0 V MHz on azimuth 19°39'. Add frequencies 11,225.0 V MHz and 11,625.0 V MHz on azimuth 126°35'.
- 6724-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 24, station location: 3.6 miles south of Louisville, Ky. Delete 6197.2 H MHz and 6315.9 H MHz on azimuth 210°17', and 11,075.0 V MHz and 10,835.0 V MHz on azimuth 12°2'. Add frequencies 6375.2 V MHz on azimuth 157°11', and 10,735.0 V MHz and 11,135.0 V MHz on azimuth 344°53'. Relocate site to latitude 38°6'25" and longitude 85°42'40".
- 6725-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 25, station location: 680 South Fourth Street, Louisville, Ky. Delete frequencies 11,605.0 V MHz and 11,685.0 V MHz on azimuth 192°4', and 11,405.0 H MHz and 11,645.0 H MHz on azimuth 64°16'. Add frequencies 11,265.0 V MHz and 11,665.0 V MHz on azimuth 164°51'.
- 6728-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 28, station location: 7234 Blue Ash Road, Cincinnati, OH (Deer Park). Delete frequencies 6286.2 V MHz and 6404.8 V MHz on azimuth 220°0', and 6256.5 V MHz and 6375.2 V MHz on azimuth 61°48'. Add frequencies 6345.5 V MHz on azimuth 174°16', and 10,735.0 V MHz and 11,135.0 V MHz on azimuth 222°22'. Relocate site to latitude 39°11'59" and longitude 84°23'49".
- 6729-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 29, station location: Fifth and Vine Streets, Cincinnati, Ohio. Delete frequencies 6034.2 V MHz and 6152.8 V MHz on azimuth 242°9'. Add frequencies 11,225.0 V MHz and 11,625.0 V MHz on azimuth 42°18'. Relocate site to latitude 39°6'6" and longitude 84°30'42".
- 6731-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 31, station location: 2.5 miles northwest of Hudson, Ky. Delete frequencies 10995.0 V MHz and 10715.0 V MHz on azimuth 199°43', and 6004.5 H MHz and 6123.1 H MHz on azimuth 342°55'. Add frequencies 6375.2 V MHz on azimuth 139°49', and 6345.5 V MHz on azimuth 278°46'. Relocate site to latitude 37°40'48" and longitude 86°14'55".

63—FRIDAY, MARCH 31, 1972

- Florida—West Palm Beach  
Mr. Howard S. Klotz & Mr. Michael Lipper (New), 6376-C1-P-72.  
Microwave Relay Service, Inc. (New), 6379-C1-P-72.
- Birmingham, Ala.  
Microwave Relay Services, Inc. (New), 6379-C1-P-72.  
Western Tele-Communications, Inc. (New), 4167-C1-P-72.  
Newhouse Alabama Microwave, Inc. (New), 4847-C1-P-72.  
Microwave Relay Services, Inc. (New), 6379-C1-P-72.  
W. E. Glasscock d/b/a Radio Dispatch Service (New), 6380-C1-P-72.  
Birmingham Signal Company (New), 6381-C1-P-72.
- North Carolina—Winston-Salem  
Services Unlimited, Inc. (New), 6382-C1-P-72.  
Midwest Corporation (New), 5049-C1-P-72.
- Major Amendments  
Applicant, MCI Kentucky Central, Inc., is amending 27 of its previously filed applications for authority to construct a new specialized common carrier service in an eight-State area from Cincinnati, Ohio, to St. Louis, Mo., to Atlanta, Ga. The applications now being amended were originally filed on Apr. 14, 1970. They appeared in public notice Apr. 27, 1970, FCC Report No. 489. No prior amendments to these applications have been filed. Each application that is now amended is referenced to the date filed. In addition 27 new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and Informative Guidelines published regarding frequency coordination in Report No. 562, FCC Common Carrier Services Information released Sept. 20, 1971.
- 6704-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 1, station location: 100 Peachtree Street, Atlanta, Ga. Delete frequencies 10,795.0 V MHz and 11,035.0 V MHz on azimuth 336°4'. Add frequency 6226.9 V MHz on azimuth 271°57'. Relocate site to latitude 33°45'24" and longitude 84°23'19".
- 6705-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 2, station location: 3 miles south-southwest of Mableton, Ga. Delete frequencies 11,285.0 V MHz and 11,525.0 V MHz on azimuth 156°0' and 6197.2 V MHz and 6315.9 V MHz on azimuth 315°35'. Add frequencies 5974.8 V MHz on azimuth 91°50' and 6123.1 H MHz on azimuth 314°7'. Relocate site to latitude 33°45'45" and longitude 84°36'1".
- 6708-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 5, station location: 5 miles east of Holland, Ga. Delete frequencies 5974.8 V MHz and 6093.5 V MHz on azimuth 125°57' and 6004.5 V MHz and 6123.1 V MHz on azimuth 348°5'. Add frequencies 6315.9 V MHz on azimuth 133°26' and 10,775.0 V MHz and 11,175.0 V MHz on azimuth 133°53' and 6315.9 H MHz on azimuth 347°52'. Relocate site to latitude 34°21'2" and longitude 85°17'38".
- 6707-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 6, station location: 104 East Third Avenue, Rome, Ga. Delete frequencies 6226.9 V MHz and 6345.5 V MHz on azimuth 101°40' and 6197.2 V MHz and 6315.9 V MHz on azimuth 306°1'. Add frequencies 11,265.0 V MHz and 11,665.0 V MHz on azimuth 313°57'.
- 6709-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 7, station location: 4.9 miles west of Lafayette, Ga. Delete frequencies 6286.2 V MHz and 6404.8 V MHz on azimuth 168°2' and frequencies 6197.2 V MHz and 6315.9 V MHz on azimuth 12°27', and 6226.9 V MHz and 6345.5 V MHz on azimuth 306°13'. Add frequencies 6093.5 H MHz on azimuth 167°49' and 6063.8 V MHz on azimuth 355°31'.
- 6710-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 9, station location: Hotel Patten, Chattanooga, Tenn. Delete frequencies 5974.8 V MHz and 6093.5 V MHz on azimuth 192°30'. Add frequencies 10,735.0 V MHz and 11,135.0 V MHz on azimuth 248°38'.
- 6711-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 11, station location: 4.6 miles south-southwest of Cowan, Ga. Delete frequencies 5945.2 V MHz and 6063.8 V MHz on azimuth 125°51' and 5974.8 V MHz and 6093.5 V MHz on azimuth 242°58', and 6004.5 V MHz and 6123.1 V MHz on azimuth 329°5'. Add frequencies 6256.5 V MHz on azimuth 101°51', and 6197.2 V MHz on azimuth 242°58', and 6315.9 H MHz on azimuth 322°20'.

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## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6722-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 40, station location: 8 miles north-northwest of McQuady, Ky. Delete frequencies 6286.2 H MHz and 6404.8 H MHz on azimuth 162°48', and 6197.2 V MHz and 6315.9 V MHz on azimuth 289°19', and 6226.9 V MHz and 6345.5 V MHz on azimuth 86°24'. Add frequencies 6123.1 V MHz on azimuth 98°36' and 6093.5 H MHz on azimuth 292°0'.
- 6723-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 41, station location: 1.3 miles north of Floral, Ky. Delete frequencies 5945.2 V MHz and 6063.8 V MHz on azimuth 266°41', and 6034.2 H MHz and 6152.8 H MHz on azimuth 30°8'. Add frequencies 6345.5 H MHz on azimuth 111°49', and 6345.5 H MHz on azimuth 304°21'. Relocate site to latitude 37°48'17" and longitude 86°48'44".
- 6730-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 42, station location: 4 miles north-northwest of Rockport, Ind. Delete frequencies 5974.8 V MHz and 6093.5 V MHz on azimuth 117°59', and 5945.2 V MHz and 6063.8 V MHz on azimuth 274°8'. Add frequencies 6123.1 H MHz on azimuth 124°12' and 6093.5 H MHz on azimuth 299°12'.
- 6732-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 44, station location: 1.5 miles northwest of German, Ind. Delete frequencies 11365.0 V MHz and 11525.0 V MHz on azimuth 111°49', and 6256.5 H MHz and 6315.9 H MHz on azimuth 278°13'. Add frequency 6123.1 V MHz on azimuth 90°42', and 11225.0 V MHz and 11625.0 V MHz on azimuth 135°45', and 6063.8 V MHz on azimuth 301°57'. Relocate site to latitude 38°3'53" and longitude 87°41'10".
- 6731-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 45, station location: 416 Main Street, Evansville, Ind. Delete frequencies 6226.9 V MHz and 6404.8 V MHz on azimuth 98°49', and 10,715.0 V MHz and 11,085.0 V MHz on azimuth 291°57'. Add frequencies 10,785.0 V MHz and 11,135.0 V MHz on azimuth 315°49'.
- 6736-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 53, station location: 0.8 mile southeast of Dupo, Ill. Delete frequencies 6286.2 H MHz and 6404.8 H MHz on azimuth 97°70', and 10,875.0 V MHz and 10,955.0 V MHz on azimuth 271°58'. Add frequencies 6123.1 V MHz on azimuth 127°41', and 10,775.0 H MHz and 11,175.0 H MHz on azimuth 1°52'. Relocate site to latitude 38°30'2" and longitude 90°11'50".
- 6737-C1-P-70—MCI Kentucky Central, Inc. (New), Site No. 54, station location: 720 Olive Street, St. Louis, MO. Delete frequencies 11,645.0 V MHz and 11,565.0 V MHz on azimuth 91°52'. Add frequencies 11,265.0 V MHz and 11,665.0 V MHz on azimuth 181°52'.
- INFORMATIVE: Applicant, MCI Texas-Pacific, Inc., is amending 51 of its previously filed applications for authority to construct new specialized common carrier systems in a four-State area from Dallas, Tex., through New Mexico and Arizona into Los Angeles, Calif. The applications now being amended were originally filed Apr. 14, 1970. They appeared on public notice, Apr. 20, 1970. Each application now amended is referenced to the file number as listed in the public notice dated Apr. 20, 1970. In addition, 28 new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding Frequency Coordination Report No. 562, Common Carrier Services Information released Sept. 20, 1971.
- 6836-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 1, Dallas, Tex. Change proposed station location to 2001 Bryan Street, Dallas, TX, at latitude 32°47'07" N, longitude 96°47'47" W. Correct frequencies and azimuth to 10,735.0 V and 11,135.0 V MHz on azimuth 295°08' toward Irving, Tex. Delete Arlington, Tex., as a point of communication. Delete frequencies 11,925 and 11,565 MHz on azimuth 268°12'.
- 6837-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 3, Arlington, Tex. C.P. for a new station at 1932 East Abram Street, Arlington, TX, at latitude 32°44'04" N, longitude 97°04'40" W. Correct frequencies and azimuth to 10,775.0 V and 11,175.0 V MHz on azimuth 53°17' toward Irving, Tex., and 6197.2 H MHz on azimuth 223°50' toward Burleson, Tex. Delete Dallas, Tex., and Fort Worth, Tex., as points of communication. Delete frequencies 10,875 and 11,115 MHz on azimuth 78°03' and 11,155 and 10,915 MHz on azimuth 274°49'.
- 6838-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 5, Fort Worth, Tex. C.P. for a new station at Seventh and Throckmorton Streets, Fort Worth, Tex., at latitude 32°45'08" N, longitude 97°19'51" W. Correct frequencies and azimuths to 6226.9 H MHz on azimuth 178°55' toward Burleson, Tex. Delete Arlington, Tex., and Weatherford, Tex., as points of communication. Delete frequencies 11,365 and 11,605 on azimuth 94°41' and 5974.8 and 6093.5 MHz on azimuth 281°22'.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6839-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 6, Westland, Tex. Change proposed station location to 6.3 miles north-northwest of Aledo, Tex., at latitude 32°47'20" N, longitude 97°37'42" W. Correct frequencies and azimuths to 6197.2 H MHz on azimuth 136°48' toward Burleson, Tex., and 6197.2 V MHz on azimuth 305°16' toward Gibtown, Tex. Delete Fort Worth, Tex., and Poolville, Tex., as points of communication. Delete frequencies 6286.2 and 6404.8 MHz on azimuth 101°11' and 6197.2 and 6315.9 MHz on azimuth 302°31'.
- 6840-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 7, Gibtown, Tex. Change proposed station location to 4.3 miles east-northeast of Whitit, Tex., at latitude 32°53'33" N, longitude 97°56'32" W. Correct frequencies and azimuths to 5945.5 V MHz on azimuth 125°05' toward Westland, Tex., and 6063.8 H MHz on azimuth 310°19' toward Jacksboro, Tex. Delete Weatherford, Tex., and Jermyn, Tex., as points of communication. Delete frequencies 5945.2 and 6063.8 MHz on azimuth 122°23' and 5974.8 and 6093.5 MHz on azimuth 302°56'.
- 6841-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 9, Loving, Tex. Change proposed station location to 1.7 miles east-northeast of Loving, Tex., at latitude 33°16'16" N, longitude 98°28'50" W. Correct frequencies and azimuths to 6034.2 H MHz on azimuth 117°09' toward Jacksboro, Tex., and 6152.8 H MHz on azimuth 253°19' toward Newcastle, Tex. Delete Poolville, Tex., Olney and Windthorst, Tex., as points of communication. Delete frequencies 6256.5 and 6375.2 MHz on azimuth 122°39' and 6197.2 and 6315.9 MHz on azimuth 284°47' and 6226.9 and 6345.5 MHz on azimuth 356°26'.
- 6844-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 10, Newcastle, Tex. Change proposed station location to 5.4 miles west of Newcastle, Tex., at latitude 33°10'54", longitude 98°50'01". Correct frequencies and azimuths to 6404.8 H MHz on azimuth 73°08' toward Loving, Tex., and 6375.2 V MHz on azimuth 257°40' toward Throckmorton, Tex. Delete Jermyn, Tex., as a point of communication. Delete frequencies 6034.2 and 6152.8 MHz on azimuth 104°38' and 5945.2 and 6063.8 MHz on azimuth 250°14'.
- 6845-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 11, Throckmorton, Tex. Change proposed station location to 4 miles south-southwest of Throckmorton, Tex., at latitude 33°06'53", longitude 99°11'41". Correct frequencies and azimuths to 6152.8 V MHz on azimuth 77°28' toward Newcastle, Tex., and 6123.1 V MHz on azimuth 300°39' toward Reynolds Bend, Tex. Delete Olney, Tex., and Rochester, Tex., as points of communication. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 69°59' and 6197.2 and 6315.9 MHz on azimuth 291°44'.
- 6846-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 14, Rochester, Tex. Change proposed station location to 2.8 miles east-northeast of Rochester, Tex., at latitude 33°19'03", longitude 99°48'40". Correct frequencies and azimuths 6226.9 H MHz on azimuth 91°32' toward Weatherford, Tex., and 6256.5 V MHz on azimuth 289°28' toward Guthrie, Tex. Delete Throckmorton, Tex., as a point of communication. Delete frequencies 6004.5 and 6123.1 MHz on azimuth 111°29' and 5974.8 and 6093.5 MHz on azimuth 269°09'.
- 6847-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 15, Guthrie, Tex. Change proposed station location to 10.7 miles south of Guthrie, Tex., at latitude 33°27'47", longitude 100°18'20". Correct frequencies and azimuths to 6004.5 V MHz on azimuth 109°12' toward Rochester, Tex., 6123.1 V MHz on azimuth 313°38' toward Afton, Tex. Delete frequencies 6256.5 and 6375.2 MHz on azimuth 108°52' and 6226.9 and 6345.5 MHz on azimuth 315°17'.
- 6848-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 16, Afton, Tex. Change proposed station location to 7.2 miles east-northeast of Afton, Tex., at latitude 33°45'02", longitude 100°41'18". Correct frequencies and azimuths to 6345.5 V MHz on azimuth 133°25' toward Guthrie, Tex., and 6226.9 H MHz on azimuth 309°55' toward Dougherty, Tex. Delete frequencies 6004.5 and 6123.1 MHz on azimuth 135°05' and 5945.2 and 6063.8 MHz on azimuth 308°41'.
- 6849-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 17, Dougherty, Tex. Change proposed station location to 6.8 miles north of Dougherty, Tex., at latitude 34°02'15", longitude 101°04'38". Correct frequencies and azimuths to 6034.2 H MHz on azimuth 129°42' toward Afton, Tex., and 6123.1 H MHz on azimuth 272°34' toward Lockney, Tex. Delete frequencies 6197.2 and 6315.9 H MHz on azimuth 128°28' and 6226.9 and 6345.5 MHz on azimuth 272°08'.

6350-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 13, Lockney, Tex. Change proposed station location to 5 miles south-southeast of Lockney, Tex., at latitude 34°02'58" N., longitude 101°24'32" W. Correct frequencies and azimuths to 6375.2H MHz on azimuth 92°23' toward Dougherty, Tex., and 6226.9V MHz on azimuth 268°33' toward Hale Center, Tex. Delete frequencies 5974.8 and 6093.5 MHz on azimuth 91°52' and 5945.2 and 6063.8 MHz on azimuth 274°12'.

6351-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 19, Hale Center, Tex. Change proposed station location to 6.3 miles east-southeast of Hale Center, Tex., at latitude 34°02'32" N., longitude 101°43'53" W. Correct frequencies and azimuths to 5974.8V MHz on azimuth 88°22' toward Lockney, Tex., and 6093.5H MHz on azimuth 289°06' toward Mayfield, Tex. Delete frequencies 6256.5 and 6375.2 MHz on azimuth 94°01' and 6226.9 and 6345.5 MHz on azimuth 298°44'.

6352-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 21, Springlake, Tex. Change proposed station location to 1.9 miles north of Springlake, Tex., at latitude 34°15'41" N., longitude 102°18'16" W. Correct frequencies and azimuths to 6034.2V MHz on azimuth 120°39' toward Mayfield, Tex., 5945.2H MHz on azimuth 235°27' toward Sudan, Tex., 5945.2V MHz on azimuth 346°34' toward Dimmitt, Tex., and 6004.5V MHz on azimuth 172°14' toward Anton, Tex. Delete Hale Center, Tex., and Needmore, Tex., as points of communication. Delete frequencies 6034.2 and 6152.8 MHz on azimuth 118°30' and 5974.8 and 6093.5 MHz on azimuth 235°32' and 6004.5 and 6123.1 MHz on azimuth 172°02' and 5945.2 and 6063.8 MHz on azimuth 346°47'.

6357-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 22, Sudan, Tex. Change proposed station location to 3.3 miles northwest of Sudan, Tex., at latitude 34°06'32" N., longitude 102°34'13" W. Correct frequencies and azimuths to 6197.2H MHz on azimuth 55°19' toward Springlake, Tex., and 6375.2H MHz on azimuth 246°46' toward Baileyboro, Tex. Delete Rogers, N. Mex., as a point of communication. Delete frequencies 6286.2 and 6404.8 MHz on azimuth 55°18' and 6197.2 and 6315.9 MHz on azimuth 254°34'.

6368-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 24, Rogers, N. Mex. Change proposed station location to 3.8 miles south-southeast of Rogers, N. Mex., at latitude 33°55'22" N., longitude 103°12'54" W. Correct frequencies and azimuths to 6256.5V MHz on azimuth 75°36' toward Baileyboro, Tex., and 6226.9H MHz on azimuth 258°29' toward Pep, N. Mex. Delete Needmore, Tex., and Kenna, N. Mex., as points of communication. Delete frequencies 5974.8 and 6093.5 MHz on azimuth 74°17' and 5945.2 and 6063.8 MHz on azimuth 260°36'.

6369-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 26, Kenna, N. Mex. Change proposed station location to 1.6 miles east-southeast of Kenna, N. Mex., at latitude 33°50'06" N., longitude 103°44'39" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 79°01' toward Pep, N. Mex., and 6286.2H MHz on azimuth 267°07' toward Elkins, N. Mex. Delete Rogers, N. Mex., as a point of communication. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 80°18' and 6256.5 and 6375.2 MHz on azimuth 266°49'.

6370-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 27, Elkins, N. Mex. Change proposed station location to 9 miles north-northwest of Elkins, N. Mex., at latitude 33°49'09" N., longitude 104°06'29" W. Correct frequencies and azimuths to 6034.2H MHz on azimuth 86°55' toward Kenna, N. Mex., and 6093.5H MHz on azimuth 285°01' toward Mesa, N. Mex. Delete frequencies 5974.8 and 6093.5 MHz on azimuth 86°37' and 5945.2 and 6063.8 MHz on azimuth 284°38'.

6371-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 28, Mesa, N. Mex. Change proposed station location to 7.8 miles southeast of Mesa, N. Mex., at latitude 33°55'09" N., longitude 104°33'32" W. Correct frequencies and azimuths to 6345.5H MHz on azimuth 104°46' toward Elkins, N. Mex., and 6315.9H MHz on azimuth 297°17' toward Lon, N. Mex. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 104°23' and 6286.2 and 6404.8 MHz on azimuth 297°59'.

6372-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 29, Lon, N. Mex. Change proposed station location to 1.9 miles east of Lon, N. Mex., at latitude 34°08'42" N., longitude 105°05'17" W. Correct frequencies and azimuths to 6063.8H MHz on azimuth 116°59' toward Mesa, N. Mex., and 6152.8H MHz on azimuth 280°03' toward Gallinas, N. Mex. Delete frequencies 6004.5 and 6123.1 MHz on azimuth 117°42' and 5945.2 and 6063.8 MHz on azimuth 279°23'.

6373-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 30, Gallinas, N. Mex. Change proposed station location to 10.5 miles northwest of Gallinas, N. Mex., at latitude 34°14'46" N., longitude 105°47'17" W. Correct frequencies and azimuths to 6404.8H MHz on azimuth 99°40' toward Lon, N. Mex., and 6226.9H MHz on azimuth 270°54' toward Red Mesa, N. Mex. Delete Socorro, N. Mex., as a point of communication. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 98°59' and 6197.2 and 6315.9 MHz on azimuth 260°30'.

6374-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 31, Red Mesa, N. Mex. Change proposed station location to 11.8 miles south of Blue Springs, N. Mex., at latitude 34°15'13" N., longitude 106°32'17" W. Correct frequencies and azimuths to 5974.8H MHz on azimuth 90°29' toward Gallinas, N. Mex., 6093.5V MHz on azimuth 278°44' toward Riley, N. Mex., 5945.2V MHz on azimuth 353°34' toward Albuquerque, N. Mex., and 6004.5V MHz on azimuth 227°06' toward Monticello, N. Mex. Delete Davil, N. Mex., as a point of communication. Delete frequencies 5974.8 and 6093.5 MHz on azimuth 79°50', 5945.2 and 6063.8 MHz on azimuth 285°09', 5945.2 and 6063.8 MHz on azimuth 14°23' and 6004.5 and 6123.1 MHz on azimuth 216°49'.

6359-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 70, Abilene, Tex. C.P. for a new station at North Third and Cypress Streets, Abilene, Tex., at latitude 32°27'05" N., longitude 99°44'05" W. Correct frequency to 6226.9V MHz on azimuth 273°40' toward Sweetwater, Tex. Delete frequency 6345.5 MHz on azimuth 273°40'.

6360-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 71, Vincent, Tex. C.P. for a new station 9 miles west of Vincent, Tex., at latitude 32°25'04" N., longitude 101°19'00" W. Correct frequencies to 6256.5V MHz on azimuth 20°09' toward Fluvanna, Tex., and 6226.9V MHz on azimuth 213°46' toward Big Spring, Tex. Delete frequencies 6375.2 MHz on azimuth 20°09' and 6345.5 MHz on azimuth 213°46'.

6371-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 72, Big Spring, Tex. C.P. for a new station 0.4 mile east of Big Spring, Tex., at latitude 32°15'14" N., longitude 101°26'44" W. Correct frequency to 6004.5V MHz on azimuth 33°42' toward Vincent, Tex. Delete frequencies 6123.1 MHz on azimuth 33°42'; 6034.2 and 6152.8 MHz on azimuth 244°40' and Midland, Tex., as a point of communication.

6375-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 75, Albuquerque, N. Mex. C.P. for a new station at 505 Marquette Street NW, Albuquerque, NM, at latitude 35°05'19" N., longitude 106°39'08" W. Correct frequency and azimuth to 6226.9V MHz on azimuth 173°31' toward Red Mesa, N. Mex. Delete Socorro, N. Mex., as a point of communication. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 194°33'.

6376-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 76, Monticello, N. Mex. C.P. for a new station 11 miles north of Monticello, N. Mex., at latitude 33°33'11" N., longitude 107°26'03" W. Correct frequencies and azimuths to 6226.9V MHz on azimuth 46°36' toward Red Mesa, N. Mex., and 6226.9V MHz on azimuth 163°19' toward Caballo, N. Mex. Delete Socorro, N. Mex., as a point of communication. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 38°34' and 6256.5 and 6375.2 MHz on azimuth 163°19'.

6377-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 77, Caballo, N. Mex. C.P. for a new station 4.7 miles east of Caballo, N. Mex., at latitude 32°58'07" N., longitude 107°13'35" W. Correct frequencies to 6034.2V MHz on azimuth 175°35' toward Hatch, N. Mex., and 5974.8V MHz on azimuth 343°26' toward Monticello, N. Mex. Delete frequencies 6093.5 MHz on azimuth 343°26' and 6004.5 and 6123.1 MHz on azimuth 175°35'.

6378-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 78, Hatch, N. Mex. C.P. for a new station 7.5 miles south-southwest of Hatch, N. Mex. at latitude 32°38'26" N., longitude 107°11'20" W. Correct frequencies and azimuths to 6226.9V MHz on azimuth 355°36' toward Caballo, N. Mex., and 6197.2V MHz on azimuth 141°13' toward Ranger Peak, Tex. Delete frequencies 6345.5 MHz on azimuth 355°36' and 6315.9 MHz on azimuth 141°13'.

6379-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 79, Ranger Peak, Tex. C.P. for a new station 0.8 mile northwest of Ranger Peak, Tex., at latitude 31°48'18" N., longitude 106°28'59" W. Correct frequencies to 5945.2V MHz on azimuth 321°36' toward Hatch, N. Mex., and 10,775.0V MHz and 11,175.0V MHz on azimuth 186°16' toward El Paso, Tex. Delete frequencies 6063.8 MHz on azimuth 321°36' and 10,755 and 10,995 MHz on azimuth 186°16'.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6380-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 80, El Paso, Tex. C.P. for a new station at the First National Bank Building, 109 North Street, El Paso, TX, at latitude 31°45'27" N., longitude 106°29'21" W. Correct frequencies to 11,665.0V and 11,425.0V MHz on azimuth 6°16' toward Ranger Peak, Tex. Delete frequencies 11,285 and 11,525 MHz on azimuth 6°16'.
- 6387-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 83, Phoenix, Ariz. C.P. for a new station at the Westward Ho Hotel, 618 North Central Avenue, Phoenix, AZ, at latitude 33°27'12" N., longitude 112°04'30" W. Correct frequencies and azimuth to 10,735.0V and 11,135.0V MHz on azimuth 276°49' toward Tolleson, Ariz. Delete Crown King, Ariz., and Miami, Ariz., as points of communication. Delete frequencies 6197.2 and 6315.9 MHz on azimuth 342°45' and 6197.2 and 6375.2 MHz on azimuth 98°25'.
- 6381-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 34, Datil, N. Mex. Change proposed station location to 10.1 miles north-northwest of Datil, N. Mex., at latitude 34°16'53", longitude 107°54'44". Correct frequencies and azimuths to 6315.9V MHz on azimuth 45°22' toward Victorino, N. Mex., and 6197.2V MHz on azimuth 283°80' toward Apache Creek, N. Mex. Delete Socorro, N. Mex., as a point of communication. Delete frequencies 6286.2 and 6404.8 MHz on azimuth 104°37' and 6197.2 and 6315.9 MHz on azimuth 252°51'.
- 6382-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 35, Apache Creek, N. Mex. Change proposed station location to 18.3 miles north-northwest of Apache Creek, N. Mex., at latitude 34°04'56", longitude 108°42'54". Correct frequencies and azimuths to 5974.8V MHz on azimuth 78°03' toward Datil, N. Mex., and 6034.2V MHz on azimuth 272°26' toward Greer, Ariz. Delete frequencies 6004.5 and 6123.1 MHz on azimuth 72°24' and 5974.8 and 6093.5 MHz on azimuth 272°45'.
- 6383-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 36, Greer, Ariz. C.P. for a new station 9.2 miles northwest of Greer, Ariz., at latitude 34°06'34", longitude 109°34'15". Correct frequencies and azimuths to 6256.5V MHz on azimuth 91°57' toward Apache Creek, N. Mex., and 6226.9V MHz on azimuth 283°01' toward Heber, Ariz. Delete frequencies 6256.5 and 6375.2 MHz on azimuth 92°16' and 6226.9 and 6345.5 MHz on azimuth 282°50'.
- 6384-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 37, Heber, Ariz. Change proposed station location to 10.8 miles southwest of Heber, Ariz., at latitude 34°19'46", longitude 110°44'48". Correct frequencies and azimuths to 6004.5V MHz on azimuth 102°22' toward Greer, Ariz., and 6063.8V MHz on azimuth 311°35' toward Hutch Mountain, Ariz. Delete Williams, Ariz., as a point of communication. Delete frequencies 5945.2 and 6063.8 MHz on azimuth 102°10' and 6034.2 and 6152.8 MHz on azimuth 306°22'.
- 6385-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 38, Hutch Mountain, Ariz. Change proposed station location to 4.1 miles north-northwest of Happy Jack, Ariz., at latitude 34°48'10", longitude 111°23'46". Correct frequencies and azimuth to 6286.2V MHz on azimuth 131°13' toward Heber, Ariz., and 6375.2V MHz on azimuth 234°59' toward Crown King, Ariz. Delete Kingman, Ariz., as a point of communication. Delete frequencies 6226.9 and 6945.5 MHz on azimuth 125°32' and 6256.5 and 6375.2 MHz on azimuth 266°19' and 6256.5 and 6375.2 MHz on azimuth 187°48'.
- 6386-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 39, Crown King, Ariz. C.P. for a new station 2.4 miles northwest of Crown King, Ariz., at latitude 34°14'02", longitude 112°22'01". Correct frequencies and azimuth to 6004.5V MHz on azimuth 54°26' toward Hutch Mountain, Ariz., 5974.8V MHz on azimuth 291°42' toward Hillside, Ariz., and 5974.8V MHz on azimuth 186°22' toward Witman, Ariz. Delete Williams, Ariz., and Phoenix, Ariz., as points of communication. Delete frequencies 6004.5 and 6123.1 MHz on azimuth 07°43' and 5945.2 and 6063.8 MHz on azimuth 162°35'.
- 6353-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 64, Anton, Tex. C.P. for a new station 5 miles northwest of Anton, Tex., at latitude 33°51'44", longitude 102°14'21". Correct frequencies and azimuths to 6197.2V MHz on azimuth 352°16' toward Springlake, Tex., and 6256.5V MHz on azimuth 130°15' toward Lubbock, Tex. Delete frequencies 6256.5 and 6375.2 MHz on azimuth 352°04' and 6197.2 and 6315.9 MHz on azimuth 130°15'.
- 6354-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 65, Lubbock, Tex. C.P. for a new station at 1111 Avenue L, Lubbock, TX, at latitude 33°55'05", longitude 101°50'54". Correct frequencies to 5945.2V MHz on azimuth 310°28' toward Anton, Tex., and 6004.5V MHz on azimuth 141°11' toward Close City, Tex. Delete frequencies 6063.8 MHz on azimuth 310°28' and 6123.1 MHz on azimuth 141°11'.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6355-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 66, Close City, Tex. C.P. for a new station 0.2 mile south of Close City, Tex., at latitude 33°12'35", longitude 101°29'24". Correct frequencies to 6256.5V MHz on azimuth 321°23' toward Lubbock, Tex., and 6197.2V MHz on azimuth 134°33' toward Fluvanna, Tex. Delete frequencies 6375.2 MHz on azimuth 321°23' and 6315.9 MHz on azimuth 134°33'.
- 6356-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 67, Fluvanna, Tex. C.P. for a new station 2.2 miles east-northeast of Fluvanna, Tex., at latitude 32°53'36", longitude 101°06'35". Correct frequencies to 6034.2V MHz on azimuth 314°45' toward Close City, Tex., 5974.8V MHz on azimuth 132°15' toward Hermleigh, Tex., and 5945.2V on azimuth 200°16' toward Vincent, Tex. Delete frequencies 6152.8 MHz on azimuth 314°45', 6093.5 MHz on azimuth 132°15', and 6063.8 MHz on azimuth 200°16'.
- 6357-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 68, Hermleigh, Tex. C.P. for a new station 0.5 mile south of Hermleigh, Tex., at latitude 32°37'27", longitude 100°45'37". Correct frequencies to 6286.2V MHz on azimuth 312°27' toward Fluvanna, Tex., and 6197.2V MHz on azimuth 112°43' toward Sweetwater, Tex. Delete frequencies 6404.8 MHz on azimuth 312°27' and 6315.9 MHz on azimuth 112°43'.
- 6358-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 69, Sweetwater, Tex. C.P. for a new station 1.5 miles east of Sweetwater, Tex., at latitude 32°39'03", longitude 100°22'03". Correct frequencies to 5945.2V MHz on azimuth 292°56' toward Hermleigh, Tex., and 6034.2V MHz on azimuth 98°19' toward Abilene, Tex. Delete frequencies 6063.8 MHz on azimuth 292°56' and 6152.8 MHz on azimuth 98°19'.
- INFORMATIVE: Applicant, MCI Mid-Atlantic Communications, Inc., is amending 13 of its previously filed applications for authority to construct a new specialized common carrier service in a five State area from Washington, D.C., to Atlanta, Ga. The applications now being amended were originally filed in April 15, 1970. They appeared in public notice, April 27, 1970, FCC Report No. 489-A. An amendment to this application was filed on March 1, 1972, appearing on public notice March 13, 1972, FCC Report No. 587. Each application that is now amended is referenced to the date filed. In addition three new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920 effective July 15, 1971, and Informative Guidelines published regarding Frequency Coordination in Report No. 562, FCC Common Carrier Services Information released September 20, 1971.
- 5894-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), station located 2.5 miles east-southeast of Estelle, N.C., at latitude 36°29'44" and longitude 79°11'47". Add point of communication, frequencies 5974.8V on azimuth 161°55'.
- 6873-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located at 411 West Chapel Hill Drive, Durham, N.C., at latitude 35°59'46" and longitude 78°54'25". Delete frequencies 11,685.0V and 11,365.0V on azimuth 260°41' and frequencies 6004.5V and 6123.1V on azimuth 135°14'. Add frequencies 10,735.0V and 11,135.0V on azimuth 294°48' and frequencies 10,735.0V and 11,135.0V on azimuth 113°46'.
- 6874-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located at 383 Fayetteville Street, Raleigh, N.C., at latitude 35°46'33" and longitude 78°38'21". Delete frequencies 6236.9V and 6345.5V on azimuth 315°23'. Add frequencies 10,735.0V and 11,135.0V on azimuth 336°22'.
- 6887-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located 1.7 miles north of Stokesdale, N.C., at latitude 36°16'04" and longitude 79°59'00". Add point of communication, frequency 5945.2V on azimuth 231°38'.
- 6889-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located at 310 West 4th Street, Winston-Salem, N.C., at latitude 36°05'52" and longitude 80°14'51". Delete frequencies 10,955.0V and 10,715.0V on azimuth 86°22'. Add frequency 6197.2V on azimuth 51°29'.
- 6898-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located 5 miles southeast of Kernersville, N.C., at latitude 36°04'08" and longitude 79°59'26". Add point of communication, frequencies 11,665.0V and 11,265.0V on azimuth 88°34'.
- 6870-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located at 201 North Elm Street, Greensboro, N.C., at latitude 36°04'22" and longitude 79°47'28". Delete frequencies 11,115.0V and 10,875.0V on azimuth 279°59' and frequencies 5945.2V and 6063.8V on azimuth 113°44'. Add frequencies 10,735.0V and 11,135.0V on azimuth 268°41'.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6677-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located 4 miles west-northwest of Huntersville, N.C., at latitude 35°25'23" and longitude 80°54'45". Add point of communication, frequencies 11265.0H and 11665.0H on azimuth 164°11'.
- 6678-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located at 237 West Trade Street, Charlotte, NC, at latitude 35°13'42" and longitude 80°50'43". Delete frequencies 11405.0H and 11645.0H on azimuth 259°52'. Add frequencies 11135.0H and 10735.0H on azimuth 344°13'.
- 5888-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), station located 3.2 miles west of Pacolet, S.C., at latitude 34°53'12" and longitude 81°49'15". Add point of communication, frequencies 11665.0H and 11265.0H on azimuth 305°33'.
- 6681-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station location at 277 Magnolia Street, Spartanburg, SC, at latitude 34°57'13" and longitude 81°56'05". Delete frequencies 11365.0V and 11605.0V on azimuth 40°07'. Add frequencies 10735.0H and 11135.0H on azimuth 125°29'.
- 5890-C1-P-72—MCI Mid-Atlantic Communications, Inc. (New), station located 2.8 miles northwest of Fountain Inn, S.C., at latitude 34°43'08" and longitude 82°14'10". Add point of communication, frequencies 10735.0H and 11135.0H on azimuth 314°21'.
- 6683-C1-P-70—MCI Mid-Atlantic Communications, Inc. (New), station located at 301 North Main Street, Greenville, SC, at latitude 34°51'00" and longitude 82°23'56". Delete frequencies 11325.0V and 11565.0V on azimuth 96°46'. Add frequencies 11665.0H and 11265.0H on azimuth 134°16'.
- 6397-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 56, La Crescenta, Calif. Change proposed station location to 3 miles northwest of La Crescenta, Calif. at latitude 34°16'08" N., longitude 118°14'11" W. Correct frequencies and azimuths to 6226.9V MHz on azimuth 330°14' toward Magic Mountain, Calif., 6226.9V MHz on azimuth 184°23' toward Los Angeles, Calif., and 11,685.0V MHz on azimuth 106°33' toward Pasadena, Calif. Delete Fontana, Calif., as a point of communication. Delete frequencies 10,875 and 11,115 MHz on azimuth 104°27' and 10,875 and 11,115 MHz on azimuth 286°40'.
- 6399-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 57, Los Angeles, Calif. Change proposed station location to 515 South Flower Street, Los Angeles, CA, at latitude 34°03'05" N., longitude 118°15'23" W. Correct frequency and azimuth to 5974.8V MHz on azimuth 4°22' toward La Crescenta, Calif. Delete Pasadena, Calif., as a point of communication. Delete frequencies 10,875 and 11,115 MHz on azimuth 42°07'.
- 6398-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 58, Pasadena, Calif. C.P. for a new station 4 miles north-northeast of Pasadena, Calif., at latitude 34°13'36" N., longitude 118°03'57" W. Correct frequencies and azimuth to 10,755.0V MHz on azimuth 286°39' toward La Crescenta, Calif. Delete Glendora, Calif., and Los Angeles, Calif., as points of communication. Delete frequencies 11,245 and 11,325 MHz on azimuth 106°31' and 11,245 and 11,325 MHz on azimuth 222°14'.
- 6364-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 61, Dimmitt, Tex. C.P. for a new station 5.6 miles northwest of Dimmitt, Tex., at latitude 34°36'21" N., longitude 102°24'14" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 166°31' toward Springlake, Tex., and 6256.5V MHz on azimuth 35°42' toward Umbarger, Tex. Delete frequencies 6197.2 and 6315.9 MHz on azimuth 166°44' and 6375.2 MHz on azimuth 35°42'.
- 6365-C1-P-70—MCI Texas-Pacific, Inc. (New), Site 62, Umbarger, Tex. C.P. for a new station 0.5 mile north-northeast of Umbarger, Tex., at latitude 34°57'41" N., longitude 102°05'36" W. Correct frequencies to 5974.8V MHz on azimuth 215°52' toward Dimmitt, Tex., and 6034.2V MHz on azimuth 40°36' toward Amarillo, Tex. Delete frequencies 6093.5 MHz on azimuth 215°52' and 6152.8 MHz on azimuth 40°36'.
- 1489-C1-P-70—KHC Microwave Corp. (New), major amendment: Add frequencies 5974.8V and 6034.2V MHz on azimuth 321°04' toward new point of communication near Bayou Chicot, La., location: 1.5 miles south of Opelousas, La., at latitude 30°30'55" N., longitude 92°05'05" W. Applicant requests waiver of section 21.701(1) of the Commission's rules. This amendment filed in conjunction with applications to serve CATV systems in Leesville, La., and Alexandria, La. All other particulars same as reported on public notice dated Dec. 15, 1969.

[FR Doc.72-4881 Filed 3-30-72;8:45 am]

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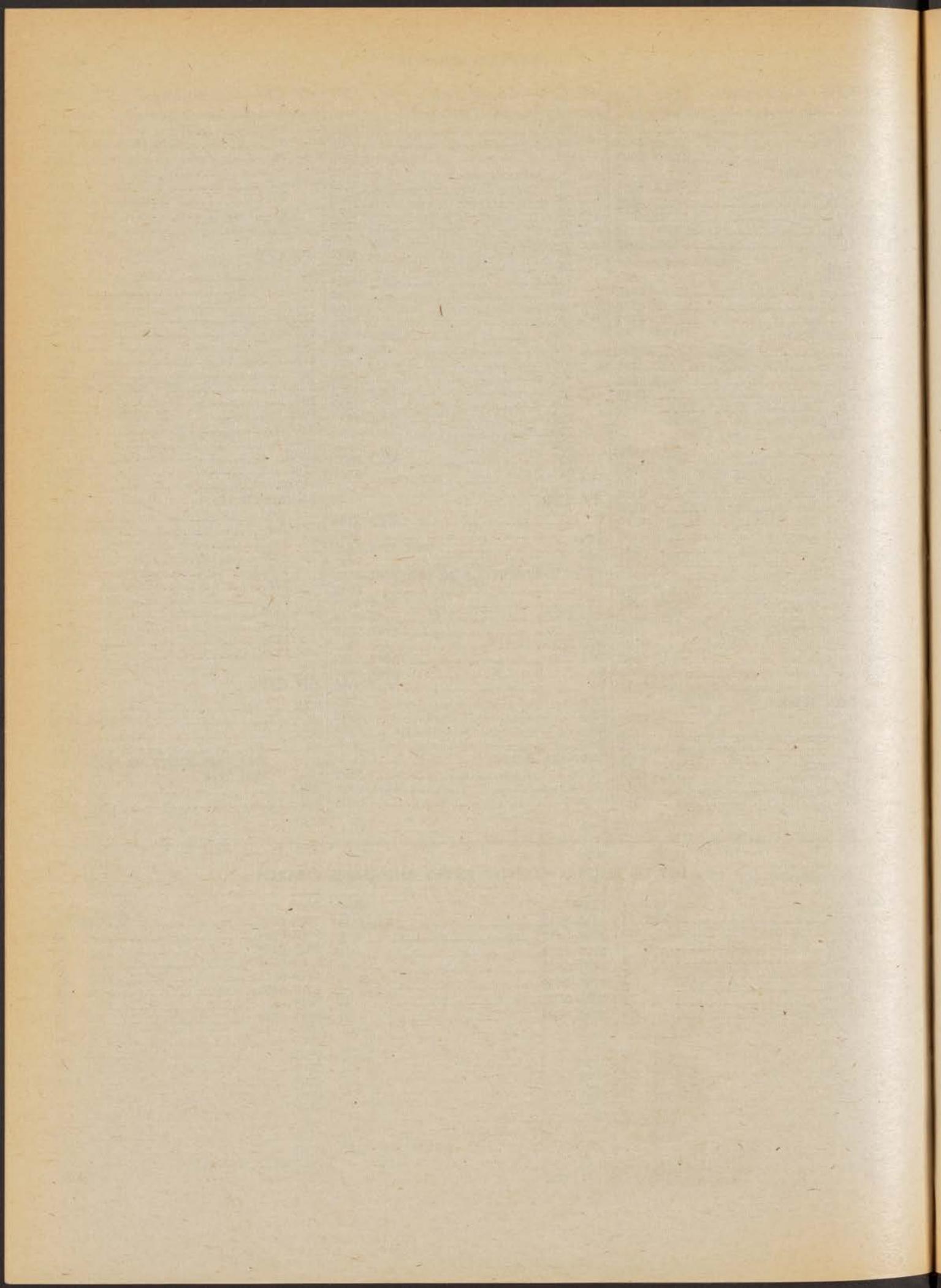
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PART II



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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service



### GRANTS FOR FAMILY HEALTH CENTER PROJECTS

## Title 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### SUBCHAPTER D—GRANTS

### PART 51—GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

#### Subpart E—Grants for Family Health Center Projects

Section 314(e) of the Public Health Service Act (42 U.S.C. 246(e)) authorizes the Secretary of Health, Education, and Welfare, among other things, to make grants to support programs designed to:

- (1) Deliver health services to persons in health scarcity areas and,
- (2) identify and suggest solutions to the problems of providing such health services.

The following are regulations applicable to grants for such purposes.

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart E which relates solely to grants pursuant to section 314(e) of the Public Health Service Act because, for good cause it has been found, that such notice, public participation, and delay would be contrary to the public interest in light of the need to provide adequate lead time for the development of project proposals, the need for the orderly and efficient consideration of such proposals, the prudent utilization of available funds and the limited time period within which available funds must be obligated.

Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, reviews and arguments relating to the regulations may be presented in writing, in triplicate, to the Chief, Family Health Center Branch, Community Health Service, Room 6-40, Health Services and Mental Health Administration, 5600 Fishers Lane, Rockville, MD 20852. All comments received in response to this publication will be available for public inspection in the above-named office on weekdays between 9 a.m. and 5 p.m. (except on holidays). All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER (3-31-72).

Dated: March 16, 1972.

VERNON E. WILSON,  
Administrator, Health Services  
and Mental Health Administration.

Approved: March 22, 1972.

ELLIOT L. RICHARDSON,  
Secretary.

#### Subpart E—Grants for Family Health Center Projects

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Appendix A—Indicators of Health Service Scarcity.	
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Appendix C—Eligible Enrollees.	
Appendix D—Determination of Premiums and "Per Visit" Charges.	

**AUTHORITY:** The provisions of this Subpart E issued under sec. 215, 58 Stat. 690, as amended, 42 U.S.C. 216; 80 Stat. 1181, 42 U.S.C. 246(e).

#### § 51.401 Applicability.

The regulations of this subpart are applicable to the award of grants under section 314(e) of the Public Health Service Act (42 U.S.C. 246(e)) for family health center projects to develop and provide on a prepaid capitation basis, programs which are (a) designed to deliver or arrange for the delivery of health maintenance and treatment services to enrolled populations in health service scarcity areas and (b) designed to identify and suggest solutions to the problems of providing such health services to such populations.

#### § 51.402 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Health Service scarcity area" or "scarcity area" means a defined geographic area in which, on the basis of the indicators set forth in Appendix A, the Secretary determines: (1) There is a shortage in the number of health or health related personnel or facilities are inaccessible or ineffectively utilized by reason of geographic, monetary, administrative, or cultural barriers.

(d) "Enrollee" means a person belonging to one of the three groups described in Appendix C, and who under a contract or agreement with a Family Health Center project is entitled to receive the required minimum benefits.

(e) "Required minimum benefits" means the basic minimum ambulatory health benefits and hospital and other

such health services (which are set forth in Appendix B), which an enrollee is entitled to receive.

#### § 51.403 Eligibility.

Any public or private nonprofit agency, institution, or organization is eligible to apply for a grant under this subpart.

#### § 51.404 Application for a grant.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.<sup>1</sup>

(b) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart.<sup>1</sup> The application must describe the project in sufficient detail to identify clearly the nature, need, specific objectives, plan, and methods of the project.

(c) The application must indicate that a reasonable opportunity of not less than 15 days for review and comment on the application has been provided (setting forth the date of submission) (1) to the appropriate areawide health planning agency or agencies or, if there is no such agency in the area, then to such other public or nonprofit private agency or organization (if any) which performs similar functions, and (2) to the Regional Medical Program and Experimental Health Services Delivery System, if any, operative in the scarcity area. The applicant shall request that the comments of such agencies be forwarded directly to the Secretary.

(d) The application must be executed by an individual authorized to act for the applicant and to assume in behalf of the applicant, the obligations imposed by the statute, the regulations of this subpart, and the award document.

#### § 51.405 Project Elements.

An approvable project must provide for:

(a) An orderly sequence of planning, implementation, and evaluation procedures with regard to the developmental and operational phases of the project which will be (or have been) accomplished using, whenever feasible, specific dates.

(b) The provision of the required minimum benefits within a designated scarcity area.

(c) (1) The means of delivering or developing the capacity to deliver the required minimum benefits to at least 5,000 enrollees within the period approved in its application unless, for good cause shown, a lesser number is approved by the Administrator, Health Services and Mental Health Administration.

<sup>1</sup> Applications and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.

(2) The enrollment of at least 5,000 enrollees within the period set forth in the approved application, provided that, for good cause shown, the Administrator, Health Services and Mental Health Administration may extend such period or approve the enrollment of a lesser number.

(d) Operation of the project in a manner calculated to preserve human dignity and to maximize acceptability and effective utilization of services.

(e) The financing of the required minimum benefits to enrollees on a prepaid capitation basis, unless the Administrator, Health Services and Mental Health Administration, for good cause shown, approves a different basis of payment.

(f) Community participation in the form of contributions of cash or services, loans of full or part time staff, equipment, space, materials, or facilities, or other similar contributions.

(g) Involvement of basic community interests and in particular consumers of health services provided by the project, in the development of the project, and within 90 days after initial funding, the development of a mechanism for continuing consumer and other community involvement in the administration and implementation of such project.

(h) Coordination of project activities with the activities of other Federally funded health services delivery projects and programs serving the same population.

(i) Basic data, cost accounting, and reporting or monitoring systems which will be compatible with applicable Federally established national reporting requirements for health services delivery projects.

(j) The implementation of a system for maintaining health services records.

(k) The means for evaluating progress toward the achievement of the specific objectives of the project.

(l) Standards and qualifications for personnel (including the project director) and facilities utilized in the performance of the project.

(m) Utilization, to the maximum extent feasible, of other Federal, State, local, and private resources available for support of the project, prior to use of project funds under this subpart.

(n) Delivery of services in accordance with such plans as have been developed by the appropriate State agency pursuant to section 314(a) of the Act.

(o) A plan for developing the financing of the project's operation so as to supplant project grant support, under this subpart.

(p) Execution of formal agreements, before services are provided, with third-party payors, providing for the prepaid capitation payment by such third party on behalf of enrollees unless the Administrator, Health Services and Mental Health Administration, for good cause shown approves a different arrangement.

(q) A premium charge and a "per visit" charge for Group III enrollees (see Appendix C) in conformity with the charges set forth in Appendix D.

§ 51.406 Grant evaluation and award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to cover part of the cost of projects to those applicants whose projects will, in his judgment, best promote the purposes of section 314(e) of the Act and the regulations in this subpart, taking into account:

(1) The degree to which the proposed project satisfactorily provides for the elements set forth in § 51.405.

(2) The needs of the population to be served for the services to be provided.

(3) The potential of the project for the development of new and effective methods for health services delivery and financing.

(4) The soundness of the fiscal plan for assuring effective utilization of grant funds and supplanting grant support under this subpart.

(5) The administrative and management capability of the applicant.

(6) The relative distribution of applications with respect to the following factors:

(i) The urban-rural area to be served.

(ii) The nature of the organization applying, e.g., University, Public Health Department, community corporation, etc.

(iii) Organizational structure for delivery of services, and

(iv) Stage of development of the project.

(7) The potential of the project becoming a self-supporting health maintenance organization or affiliate.

(8) The level of utilization of services by enrollees in previous operational periods, if any.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary. *Provided, however,* That no grant shall be made for an amount equal to the total cost as found necessary by the Secretary for the carrying out of the project. In determining the grantee's share of project costs, costs for which Federal grants from other sources have been or may be claimed or received, or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant related income except as may be

permitted by Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual,\* may not be included.

(c) Except as may otherwise be provided by the regulations in this subpart, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in Chapters 1-76, 2-65, 2-66, and 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended: *Provided, however,* The total period of support under this subpart shall not exceed 3 years except that the Secretary may, for good cause shown, authorize support for no more than an additional 2 years.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate applications at least 3 months prior to the end of the budget period set forth in the grant award document and the amount of such continuation awards shall be on a basis designed to supplant support under this subpart at the earliest feasible time.

§ 51.407 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by use of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 51.408 Use of project funds.

(a) Any funds granted pursuant to this subpart may be expended solely for carrying out the approved project in accordance with section 314(e) of the Act, the regulations of this subpart, and, except as otherwise provided herein, the cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual.

(b) Project funds under this subpart may be used for the following:

- (1) Developmental activities.
- (2) Administrative core components.
- (3) Training to meet management needs of the project including training of members of consumer policy or advisory boards or committees.
- (4) Capitation payments for Group III enrollees.

\* The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894-523.

(5) Supplementation of the ambulatory care benefits of Group I enrollees who meet income eligibility requirements in Appendix C to make those benefits comparable to the benefits available to Group III enrollees.

(6) With the approval of the Administrator, Health Services and Mental Health Administration, benefits for Group III enrollees in addition to the required ambulatory care benefits.

(7) To reimburse members of any consumer policy or advisory board or committee for actual expenses incurred by reason of their participation in such board or committee activities, and

(8) With respect to such members whose income is within the limits of Group III enrollees as set forth in Appendix C, to reimburse members of any consumer policy or advisory board or committee for wages lost by reason of participation in the activities of such board or committee.

(c) Project funds under this subpart may not be used for the following:

(1) Hospital and other nonambulatory services, unless for good cause shown, the Administrator, Health Services and Mental Health Administration, permits payments for such purposes.

(2) The annual premium and "per visit" charge as set forth in Appendix D.

(3) The capitation payments for Group II enrollees or the cost of providing ambulatory care benefits for Group I enrollees which are covered by third party sources; or coinsurance, deductible or other cost sharing aspects for Group I enrollees in Appendix C.

(d) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

#### § 51.409 Civil rights.

Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition, no person shall, on the grounds of sex, or creed (unless otherwise medically indicated) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Nor shall any person be denied employment in or by such program or activity so receiving Federal financial assistance on the grounds of age, sex, creed, or marital status.

#### § 51.410 Confidentiality.

Each grant award is subject to the condition that all information obtained

by the personnel of the project from participants in the project related to their examination, care, and treatment shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

#### § 51.411 Investigations involving human subject.

Whenever project activities will place human subjects at risk within the intentment of Chapter 1-40 of the Grants Administration Manual, the provisions of that chapter shall be complied with.

#### § 51.412 Inventions or discoveries.

A grant award is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

#### § 51.413 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

#### § 51.414 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the

amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1-410-50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other health services projects.* Equipment may be used, without adjustment of accounts, on other grant supported projects (whether or not federally supported) within the scope of section 314(e) of the Act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantees by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1-410-50B of the Department of Health, Education, and Welfare Grants Administration Manual may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant related income—(1) Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any

territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subparagraph, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in chapter 1-420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for material on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to paragraph (c) (1) of this section;

(iv) Any other settlements required pursuant to paragraphs (c) (2) and (3) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

**§ 51.415 Records, reports, inspection, and audit.**

(a) *Records and reports.* Each grant awarded pursuant to this part shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained: (1) For 5 years after the close of the budget period, or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expira-

tion of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant under this part shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and to interview with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under this part shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of records relating to the use of grant funds.

**§ 51.416 Additional conditions.**

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when, in his judgment, such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

**§ 51.417 Suspension, early termination, and withholding of payments.**

Whenever the Secretary, after reasonable notice and opportunity for a hearing to the grantee, finds that the grantee has failed in a material respect to comply with the Act, the regulations of this part, or the terms of the grant, he may, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

**APPENDIX A—INDICATORS OF HEALTH SERVICE SCARCITY**

The listed indicators should be obtained for the defined geographic area being considered as well as contiguous areas. All of the indicators should be considered in relation to the population of the area. Future needs should be considered based on the ratio of anticipated resources to projected population.

**A. Quantitative lack of health and related services:**

1. Ratio of primary care physicians to population (i.e., physicians in general practice, internal medicine, general surgery, and pediatrics).

2. Ratio of physicians in specialty practices to population.

3. Ratio of dentists in general practice to population.

4. Ratio of dentists in specialty practices to population.

5. Ratio of allied medical personnel to physicians.

6. Ratio of allied dental personnel to dentists.

7. Ratio of nurses to hospital beds.

8. Ratios of other paramedical personnel to hospital beds or population as appropriate.

9. Number of inpatient facilities by bed size and type of services offered. (Include hospitals—general and special, extended

care facilities, nursing homes, personal care homes, etc.)

10. Number of outpatient facilities by type of services offered. (Include hospital and health department clinic services, home health services, emergency services, etc.)

11. Health status indicators such as: Infant, maternal, and overall mortality rates, accident rates, disease incidence and prevalence, oral health indicators; disability rates, immunization status, work absences, and school absences may provide insight into general health status and indicate need for specific services; specific acute disease incidence and prevalence may indicate need for prevention and environmental services; suicide rates, drug abuse, crime, and alcoholism may further indicate need for mental health services.

**B. Inaccessibility of health and related services:**

1. Distance, time, and transportation costs to reach health care personnel and facilities.

2. Hours service is available in relation to hours population is available.

3. Income level of area.

4. Existing modes of financing health care (i.e., restrictions, etc.).

**C. Ineffective utilization of health and related services:**

1. Number of patients and patient visits by service for inpatient and outpatient facilities.

2. Charges and source of payment by service for inpatient and outpatient facilities.

3. Waiting time for health care.

D. Prior designation of the area as a medically underserved or as a scarcity area in other federally supported health programs, e.g., Community Mental Health Centers, Hospital and Medical Facilities, National Health Service Corps, or Office of Economic Opportunity.

**APPENDIX B—REQUIRED MINIMUM BENEFITS**

For the purposes of the Family Health Center Program, there is a basic minimum service benefit package which the project must have the capacity and capability to deliver or arrange for the delivery of, and which must be available to each enrollee of a family health center project.

**A. The basic minimum ambulatory benefit package consists of:**

1. The following services when provided on an emergency basis—

a. Ambulance services, including attendants' services, and

b. Other medical and other health services;

2. Physicians' services (except when provided by a psychiatrist), and services by a pediatric nurse associate or parapsychian, e.g., physician's assistant or MEDEX, under the supervision of a physician, for a person who is not an inpatient including but not limited to maternity care, family planning, immunizations, well baby care, other preventive care including periodic examinations;

3. Medical and other health services not otherwise provided above as follows: Outpatient diagnostic services; outpatient physical therapy services; diagnostic laboratory and X-ray services and other diagnostic tests; and medical supplies and devices (except prosthetic devices).

B. In addition, hospital and other non-ambulatory services required by the enrolled population will be arranged for and coordinated by the family health center and be assured by the development of formal relationships, through contracts and agreements, including hospital staff privileges for project physicians, necessary to secure nonambulatory care and continuity of services that are not available directly from the center. These services, unless otherwise provided in the formal agreements executed by and approved for the project under section 51.405(p), must be available to each enrollee:

1. (a) Room and board in a hospital, and (b) Inpatient hospital services (other than room and board), and;

2. Physicians' services (except when provided by a psychiatrist) to an inpatient of a hospital.

NOTE: In connection with maternity care, "physicians' services" includes services provided by a nurse midwife. Unless otherwise described, terms and services shall have the same meaning as used in Title XVIII of the Social Security Act, as amended.

#### APPENDIX C—ELIGIBLE ENROLLEES

**Group I.** Families, individuals, or groups of individuals who are eligible for third-party payments for health care. Such coverage may be from public or private health plans. This includes Medicaid, Medicare, union health plans, and other similar health insurance plans.

**Group II.** Any individual, family, or group of individuals who can pay for services from personal resources.

**Group III.** Individuals not included in Groups I or II who are members of a family which family does not have an income in excess of:

- \$3,400, in the case of a family with two members;
- \$4,200, in the case of a family with three members;
- \$5,000, in the case of a family with four members;
- \$5,800, in the case of a family with five members;
- \$6,400, in the case of a family with six members;
- \$7,000, in the case of family with seven or more members.

As used in this Appendix:

(a) "Family" means two or more individuals who are related by blood, marriage, or adoption, who are living in a place of residence maintained by one or more of them as his or their own home, who are residents of the United States, and at least one of whom is a child who is not married to another of such individuals and is in the care of, or dependent upon another of such individuals, shall be regarded as a family for purposes of this part. A parent, or a spouse of such a parent, who is determined by the Secretary to be temporarily absent from the place of residence described above, for the purpose of engaging in or seeking employment or self-employment (including military service) shall nevertheless be considered to be living in the place of residence.

(b) "Child" means an individual who is under the age of eighteen, or under the age of 22 and a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

(c) "Income" means and shall be calculated as follows:

(1) Both earned and unearned income: (i) Remuneration of services performed as an employee or net earnings from self-employment; (ii) unearned income means all other income including support and maintenance furnished in cash or otherwise, including family assistance benefits, State supplementary payments, payments received as annuity, pension, retirement, or disability benefit, including veteran's or workmen's compensation, old-age survivors and disability insurance, railroad retirement, unemployment benefits, support or alimony payments, rents, dividends, interest and royalties, regularly recurring payments which are intended to replace earned income, whether for a temporary or indefinite period of time, gifts,

prizes, awards, inheritances, and the proceeds from any life insurance policy which exceeds the amount expended by family members for expenses of the insured individual's last illness or burial, not to exceed \$1,500.

(2) Exclusion from income. The following items shall be excluded from calculations in determining the income of a family:

(i) The earned income of each child in the family who is a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment;

(ii) (a) The total unearned income of all members of a family in a calendar quarter which is received too infrequently or irregularly to be included, up to a limit of \$60 per quarter, and

(b) The total earned income of all members of a family in a calendar quarter which is received too infrequently or irregularly to be included up to a limit of \$30 per quarter;

(iii) An amount of earned income of a member of the family equal to the cost incurred by a family member for child care deemed necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment;

(iv) Food stamps or any other assistance which is based on need and provided in a form other than cash by a public or private agency.

(v) (a) Any incentive allowance from the Department of Labor to individual members of the family participating in manpower training (up to \$30 per month per individual).

(d) Any incentive allowance (not to exceed \$30 per month per individual) from the Department of Labor or the Department of Health, Education, and Welfare to individual members of the family who are unemployed and unable to work solely because of an ill-

ness or incapacity and who are receiving vocational rehabilitation services from the appropriate State agency administering or supervising the administration of the approved State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act;

(c) Allowances paid by a State or political subdivision to a member of a family participating in a Federal income maintenance program (not to exceed \$30 per month);

(vi) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution;

(vii) Home produce raised by a member of the family for consumption by the household;

(viii) One-third of any payments received for the support of children who are family members, or alimony paid to family members; and

(ix) Any amounts received for the foster care of a child who is not a member of the family but who is living in the same home as the family and was placed in such home by a public or nonprofit private child-placement or child-care agency.

Notwithstanding any other provision, the total amount which may be excluded under the preceding items (i), (ii), and (iii), in determining the income of any family for any year shall not exceed the lesser of—

1. \$2,000 plus \$200 for each member of the family in excess of four, or
2. \$3,000 or a proportionately smaller amount for a shorter period.

#### APPENDIX D—DETERMINATION OF PREMIUMS AND "PER VISIT" CHARGES

The amount of premiums and "per visit" charges for Group III eligible enrollees will be determined for each income class in accordance with the following table:

Column I	INCOME CLASSES						
	Column II	Column III	Column IV	Column V	Column VI	Column VII	Column VIII
	Ranges of income by family size (in dollars)						
	1	2	3	4	5	6	7 or more
Income class:							
1.....	0- 500	0-1,400	0-2,200	0-3,000	0-3,800	0-4,400	0-5,000
2.....	501-1,000	1,401-1,900	2,201-2,700	3,001-3,500	3,801-4,300	4,401-4,900	5,001-5,500
3.....	1,001-1,500	1,901-2,400	2,701-3,200	3,501-4,000	4,301-4,800	4,901-5,400	5,501-6,000
4.....	1,501-2,000	2,401-2,900	3,201-3,700	4,001-4,500	4,801-5,300	5,401-5,900	6,001-6,500
5.....	2,001-2,500	2,901-3,400	3,701-4,200	4,501-5,000	5,301-5,800	5,901-6,400	6,501-7,000

The income class of a family is the class in column I of the table, on the line on which appear (within the column for the number of members in the family) its income. The size of a family and income are determined in accordance with Appendix C.

1. Cost Sharing—*a. Premiums*—The amount of premiums for family coverage and enrollment in a family health center project shall be paid periodically and for a twelve month period shall total:

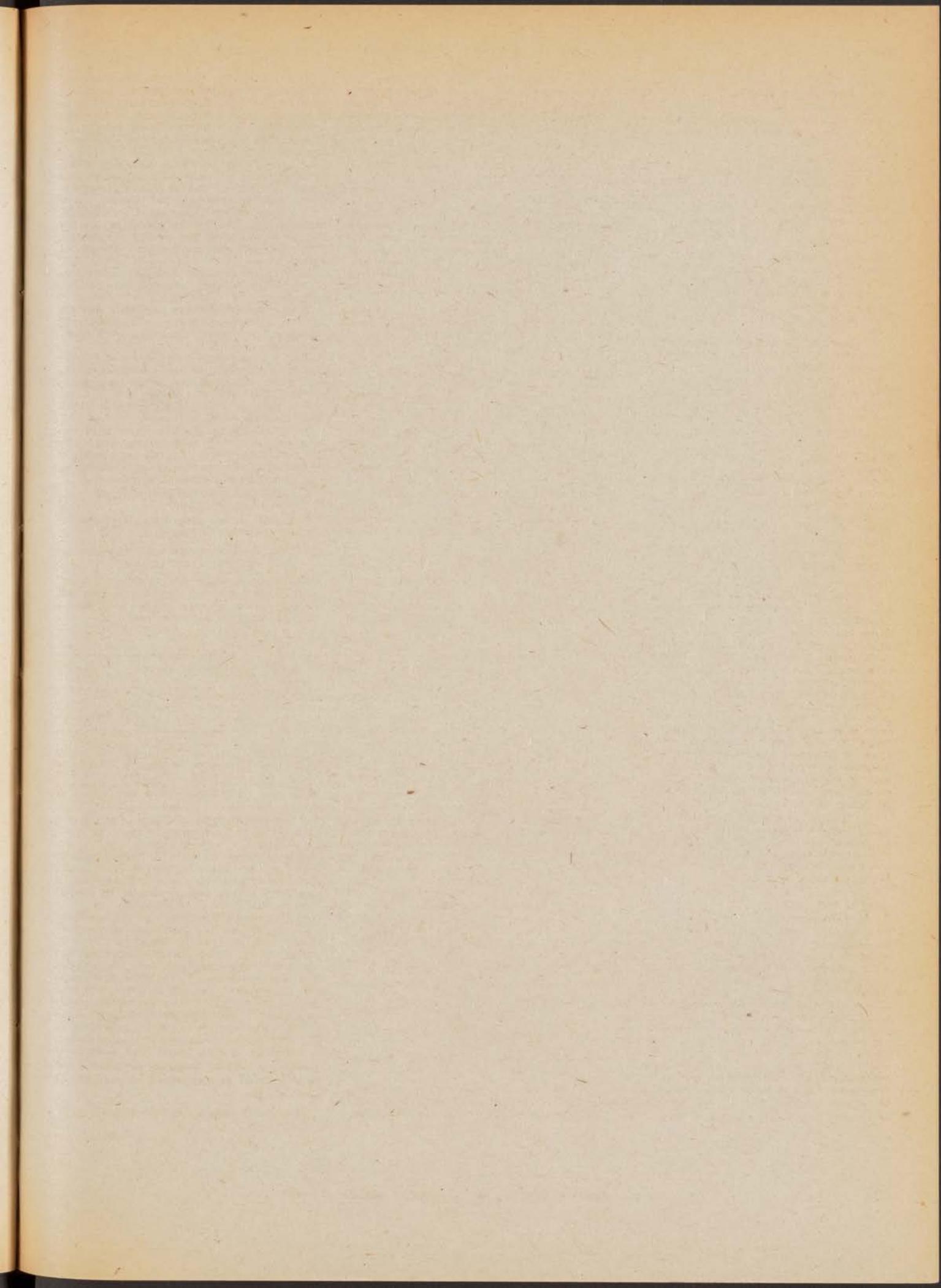
1. None in the case of a family income class 1;
2. \$25 in the case of a family in income class 2;
3. \$35 in the case of a family in income class 3;
4. \$60 in the case of a family in income class 4;
5. \$120 in the case of a family in income class 5.

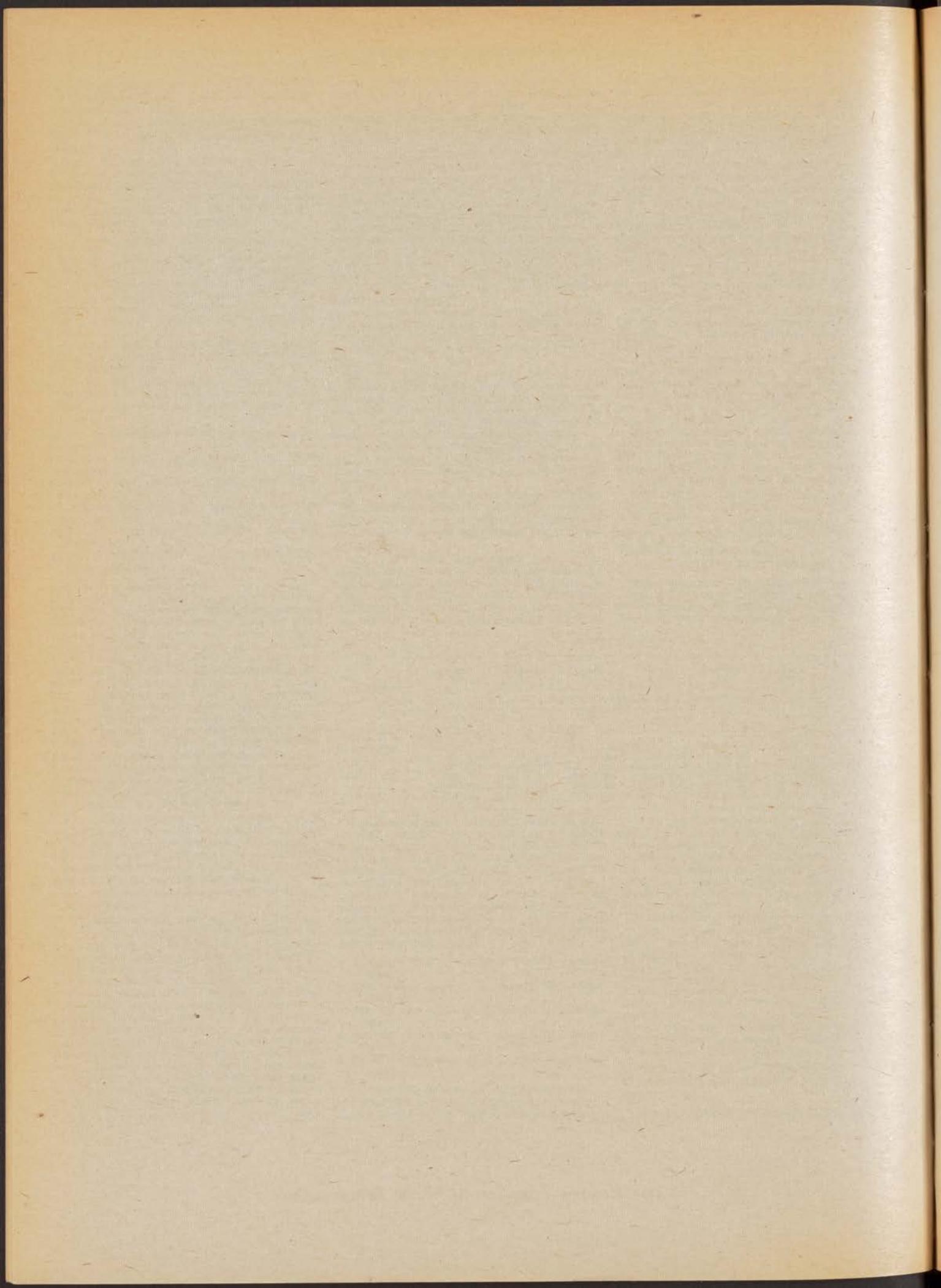
In the case of a family in income class 1, no premiums shall be charged for enrollment in the family health center project.

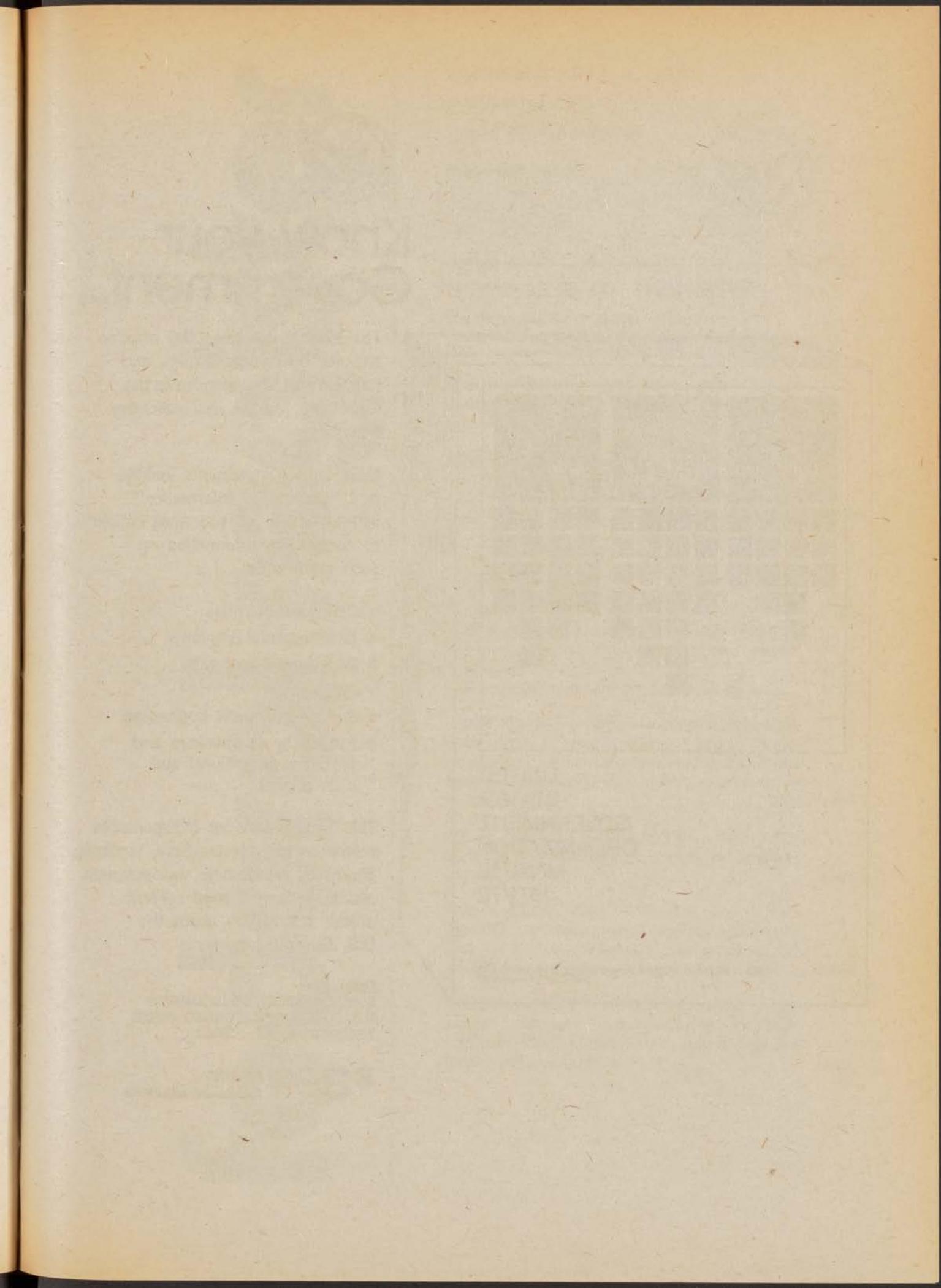
*b. Per Visit Charge*—A charge of \$1 per visit shall be made for persons in families in income classes 3 or 4 and \$2 in class 5 (except with respect to visits for immunizations, well baby, and other preventive care, family planning or maternity care). There is to be no charge in the case of persons in income classes 1 and 2.

2. *Alternative Cost Sharing*: An applicant may provide, as an alternative to the premium and per visit charges set forth in paragraph 1 above, other premiums and per visit charges provided that the amount of money generated by such alternative must be commensurate with that which it is estimated would have been generated under paragraph 1 provided, however, that such alternative may not require a premium or per visit charge to a family in income class 1. A schedule setting forth the alternative charges, as well as justifying their use, must be submitted and approved as part of the application.

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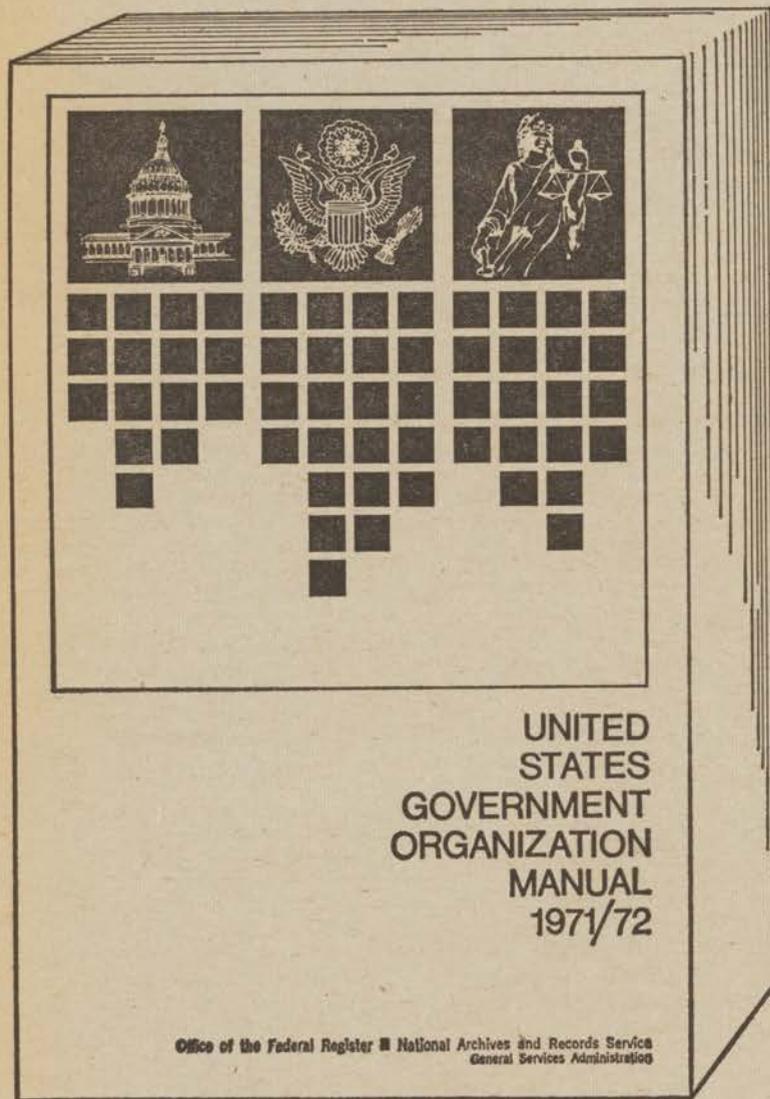








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